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433

MACAULAY'S SPEECHES

A SELECTION

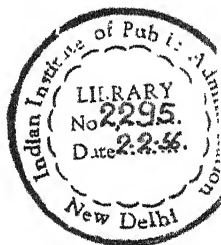
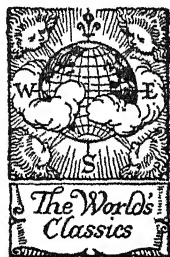
Oxford University Press, Amen House, London E.C. 4

GLASGOW NEW YORK TORONTO MELBOURNE WELLINGTON
BOMBAY CALCUTTA MADRAS CAPE TOWN

Geoffrey Cumberlege, Publisher to the University

SPEECHES
BY LORD MACAULAY
with his Minute on
INDIAN EDUCATION

*Selected with an Introduction
and Notes by*
G. M. YOUNG



Geoffrey Cumberlege
OXFORD UNIVERSITY PRESS
London New York Toronto

THOMAS BABINGTON, LORD MACAULAY

Born: Rothley Temple, Leicestershire
25 October 1800

Died: Holly Lodge, Campden Hill, Kensington
28 December 1859

Macaulay's Speeches, corrected by himself, were first published in 1854. In The World's Classics the present selection, made by Mr. G. M. Young, together with Macaulay's Minute on Indian Education (1835), was first published in 1935 and reprinted in 1952

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INTRODUCTION

IN 1853 Henry Vizetelly, a publisher not of the best repute, issued Macaulay's speeches in two volumes: they appeared simultaneously in New York. As Hansard had given his licence and most of the speeches had already appeared in the newspapers, Macaulay had no redress at law. There was no malice in the book, though much ignorance: the text was often taken from bad reports, and the historical allusions were sadly mishandled: but Vizetelly cannot be taxed with any graver crime than the desire to sell for a guinea what had cost him nothing. Other men might have been amused, annoyed, or flattered. Macaulay felt the indignation of a Roman Senator at hearing that his most admired pieces were being circulated by a Greek freedman with an imperfect knowledge of Latin syntax. To protect his reputation as an historian and stylist he prepared an edition of his own, and he took the occasion to castigate the unprincipled Vizetelly as grimly and eloquently as if he had been a Quaker who had written a bad poem, or a Scotchman who had opposed a Whig Bill.

The result is a book of unique interest both as a literary classic and an historic document. No one now—though the designers of the Reading Room seem to have thought otherwise—would place Macaulay either as a writer or thinker above or even on a level with Burke. But, long and illustrious as the roll of English orators is, there is no third whose speeches are part of our literature, and of the two there seems little doubt that as a master of the spoken word Macaulay was the more effective. Almost from his first appearance, he was in the front rank of Parliamentary figures. Yet though he was a good party man, who could be trusted to do his duty

in the division lobbies, and in any office which did not keep him too long from his books, he did not, after his first fervour was spent, enjoy the life: he hated bad air and late nights, and he never much liked hearing other men talk. Without charm or elocution he became a Parliamentary favourite: without birth or manners he made his way into the inner, though never the innermost, counsels of the Whigs: a bad candidate and a negligent member, he compelled the electors of Edinburgh to beg for the honour of having him as their representative, and, when Edinburgh rejected him, the freeholders of Oxfordshire could hardly be prevented from returning him against his will. There is no parallel to the ascendancy which he exercised in the House, and if it seems extravagant to say that he owed it to his style, we can only ask: to what else did he owe it?

Certainly not to his manner, which by all accounts was exceedingly bad. Questioned by his nephew, Mr. Gladstone tactfully replied that no one noticed it: their one thought was not to miss a word he said. An American visitor described him as 'a little man of small voice, affected utterance, clipping his words and hissing like a serpent'. A reporter of experience and good judgement, G. H. Francis, confirms the account. 'His voice is one of the most monotonous and least agreeable of those which usually belong to our countrymen north of the Tweed: pitched in alto and rather shrill, pouring forth words in inconceivable velocity: never stopping for words, never stopping for thoughts, never halting for an instant even to take breath, hauling the subject after him with the strength of a giant, till the hearer is left prostrate and powerless by the whirlwind of ideas and emotions that has swept over him.' 'Yet', the same critic adds, 'no impression whatever has been made by the orator on your feelings, nor has he created any confidence in himself apart from the arguments he has used.'

The arguments are always of the most obvious kind, and it is worth while examining some of the most successful speeches to see with how few *loci communes* Macaulay operates. In the speech on the Anatomy Bill, a masterpiece in little, there are two; the poor are most in danger of burking: the poor are the greatest sufferers by bad surgery. Each is restated six times, and the demonstration is rounded off with a picturesque anecdote. Between the beginning and end of a very short speech, Macaulay has touched on the habits of murderers, France, Germany, Italy, the peasants of Russia and their Tsar, mountebanks and barbers, old women and charms, the squaring of the circle and the transit of Venus, Richard of England, Leopold of Austria, and the bricklayer who falls from a ladder. 'The listener has been borne at exhilarating speed, but in perfect security, though a variegated landscape and deposited at his destination before he has had time to wonder where he is going.

The fine speech on the Ten Hours Bill, of which Macaulay was justly proud, is more mature in composition but in structure equally simple. A Government can interfere too much or too little: it is difficult to know where to draw the line: in this case I think that a modified interference can be justified from admitted principles: nevertheless, it is an experiment and I advise caution. That is the framework: the rest is illustration, ranging from Athens to the London cab-ranks, from the Exodus to the French Revolution, and sparkling with coloured vignettes of men with pails and whitewash brushes, housemaids toiling up and downstairs, settlers in Ohio, negroes in Louisiana, and the Sunday calm in England, 'while the plough lies in the furrow, while the Exchange is silent, while no smoke ascends from the factory'. The decoration is not laid on: like the pinnacles and flying buttresses of a cathedral, it is an integral part of the fabric. The speaker is

thinking in images drawn from an inexhaustible store of historic reminiscence and flashed on the mind of the listener with the force and dexterity of a born story-teller.

Macaulay's fertility in restatement and illustration, of which the speeches on Copyright furnish the best example, amused his contemporaries. There seems no reason why he should ever stop, and too often he stops on a point which a more delicate taste would have rejected as merely smart. The critic whom I have already quoted writes: 'He will sometimes spoil the effect of an eloquent passage by a sudden antithetical allusion, involving some vulgar idea, which catches him because of the opportunity it affords for alliteration and contrast and which he thinks humorous.' It is very true, and it will be found that these vulgar ideas commonly occur in the last sentence of a paragraph. The Attic ending did not appeal to Macaulay, and he likes to close not in a dying fall, but an explosion. It is a symptom of a certain commonness of mind which was perhaps the most deep-seated and most insidious defect in his constitution. Mr. Gladstone called him *φορτικός*, and though he hastened with suave sophistry to explain that he used the word in a laudatory sense, the epithet was in its proper sense entirely just. A Greek audience listening to the little man berating Peel and Wellington in these terms,

'We have lived to see a monster of faction made up of the worst parts of the Cavalier and the worst parts of the Round-head. We have lived to see Tories who because they were not allowed to grind the people after the fashion of Strafford turn round and revile their sovereign in the style of Hugh Peters'—

would have shaken their heads and murmured *φορτικωτερώς δημηγορεῖ*. In fact, if one had to define exactly what Aristophanes and Plato meant by the word one could not answer better than by saying: Macaulay on Croker, or Macaulay on Bacon.

It is observable that this vein is less obtrusive in

the Speeches, where it might have been expected to be more conspicuous, than in the *Essays*. It was intensified by solitude and withdrawal from the clash of opinion. Macaulay was never more urbane than in the presence of a large audience: the banter in his last Edinburgh speech about Spenser Walpole's militiamen and Lord Maidstone's hexameters displays an easy humour which is very rare in his writings. His Parliamentary style is tighter and more mordant. But his best speeches, whether in the House or on the platform, display the natural excellences of his prose better than any passages in the *Essays* or the *Histories*. The diction is of flawless lucidity, slightly touched with an amplitude which reminds us that the speaker was born in the eighteenth century, when 'every point of senatorial deliberation was duly observed'. The movement of thought is slightly ahead of the audience, but not too far ahead: each paragraph has its own keynote, its appropriate cadences, and the language rises and falls from narrative to declamation, and back to straight hard-hitting argument, without effort, or interruption, or display.

There are indications in the essay on Machiavelli that Macaulay was on his way towards a more varied manner and a fuller harmony than in fact he ever achieved. His development was arrested by his entry into public life and his four years' exile in India. The Edinburgh Reviewer went into Parliament: he conquered Parliament with speeches in the style of his first reviews. His manner became set, and with his speaking, as with his writing, if a paragraph were taken at random it would be almost impossible to guess whether the speaker was in his thirty-second or his fifty-second year. Thus, in his own lifetime, he became a classic and a tradition: Londoners pointed him out to one another in the streets: when he rose in his place for the last time the members who crowded in to hear him, listened

to what was not only an intellectual but an historic entertainment, the last echo of the oratory of 1831, itself an echo of the oratory of the heroic age. In Macaulay the tradition which began with Halifax on the Exclusion Bill, and was continued, first through Bolingbroke, Pulteney, and Chatham, and then through the second dynasty of Burke and Fox and Pitt; the tradition which was still maintained in Macaulay's youth by Brougham, Plunket, and Canning, sent up its last coruscation and expired. There were great speakers still to come: Bright more than once reaches a height where only Burke or the ancients afford a valid comparison. But professed oratory, the deliberate evolution of a theme in language meant to tell on the nerves of the hearers at once, and to stand the test of literature a generation later, has not been heard again.

* * * * *

Bagehot said, with some truth and some malice, that Macaulay regarded English history as a process leading up to the debates in which he had taken part. He went up to Cambridge a Clapham Tory: after the straitest sect of our religion he was bred a Pharisee. Two brilliant contemporaries, Charles Austin and Lord Carnarvon, won him over to the Whigs. Thirty years before George Canning had sat in the Temple weighing his chances, and had decided that for a new man with nothing but parts to commend him there were no prospects on the Whig side. But now, after a generation of office, Toryism was growing old. We who have lived to see what the winding up of a great war involves, can appreciate better than contemporaries could the dexterity with which Castlereagh disengaged Great Britain from continental commitments, the firmness with which disorder was suppressed at home, and the ability with which the finances of the State were restored. Lord Liverpool's last administration was one of the most capable that has ever held office in

England, but it was an administration that only Lord Liverpool could hold together. Wellington and Eldon, Canning at the Foreign Office, Peel at the Home Office, Huskisson at the Board of Trade, Palmerston at the War Office, made a team of rare capacity. The stroke which robbed the team of their captain destroyed the cohesion of the party and released the nervous rancour of years. Canning shot upwards, carrying Robinson, Huskisson, and Palmerston with him. Peel went into opposition with Wellington and Eldon. Canning died, and Peel came back to accomplish Canning's policy, the emancipation of the Catholics. The ins and outs of the next few months are a burden to the memory, without meaning or purpose. The hour of the Whigs had almost come when Lord Lansdowne offered the young reviewer, Jeffrey's greatest discovery, a seat in the House as member for Calne. Ten months later, the forty years of Tory government ended in panic, confusion, and flight.

The Reform was one of those transactions, of which history does not present many examples, when the right thing was done in exactly the right way at exactly the right time. In the life of a nation, the rational and irrational elements need to be kept in adjustment. Tradition, habit, instinct, and inertia, which are the grounds of public stability, may at times become an exasperation and a burden to the public intelligence, developing with the emergence of new ideas under the pressure of new circumstances. In the Constitution of 1830 the irrational element was in excess: the rational element was working with dangerous potency. Government was neither oppressive nor inefficient, but it was becoming absurd. All the arguments on both sides of the question came to this: the Constitution works well and people are used to it: the Constitution is unreasonable and people are tired of it. To Macaulay the situation in November 1830 appeared

as the particular case of a secular problem, to find a mode of government which shall command the rational adherence of the intelligent, on whom government depends for its efficacy, and the habitual respect of the masses, on whom it depends for its existence. In England the problem had been brought to an issue by the emergence of the mercantile and manufacturing classes as a self-conscious entity. But in the problem itself there was nothing new; and Lord Grey and Lord John Russell, in abolishing nomination and enfranchising Manchester, were acting as the heirs and representatives of all great reformers in all ages back to the very origins of western polity, the Licinian Rogations and the enfranchisement of the Latins.

Sic fortis Etruria crevit

Quondam, sic facta est rerum pulcherrima Roma.

The pictorial quality of Macaulay's mind, the strong pragmatic element in his composition, his confident ignorance of philosophy and art, tend to mask both the depth and clarity of his metaphysic. Some metaphysic every historian must have, and in essentials Macaulay's is the metaphysic of Herodotus. The modern naturally has the keener sense of change and the problems which change involves: the ancient has a broader sympathy, a larger conception of human needs and satisfactions. Ionian cosmology was a grander discipline for the mind than Baconian trial and error. But essentially they view the stream of time from the same standpoint, and see in history, one the assertion, the other the perpetual reassertion, of a timeless rationality. "The dawn appeared and they mustered the men. Themistocles spoke to them, in language of extraordinary eloquence. The substance was this: having contrasted the better with the worse in the whole range of human nature and its circumstances, he exhorted them to prefer the better; and, having finished, he

ordered them to go on board.' So the great Ionian conceived the morning of Salamis, and so Macaulay conceived the closing of the gates of Londonderry.

So also, let it be acknowledged, did he contemplate the future, in 1931, with Ben Lomond laid out in allotments, with cranes and sirens, lorries and steam engines,

Breaking the silence of the seas.
Among the farthest Hebrides,

with factory towns, each encircled with a zone of villas, complete with piano and laburnum tree, blackening the skies above Killarney. His first biographer entered thoroughly into his spirit when he headed one of his electoral speeches *Loveliness and Intelligence of Leeds*. An intellect less vigorous might have doubted the loveliness and intelligence of early Victorian England: an intellect more subtle might have been perplexed to account for its more obtrusive stupidity and squalor. Modern psychology would ask whether a man who seems so sure of everything was really sure of anything; whether he was not in fact declaiming to keep his spirits up, clinging to his professions the more passionately because in his heart he felt that he and his professions were being swept away together, and that Pascal's abyss was waiting for him if once he stopped reading to think.

To reason thus would be to forget that Macaulay was by birthright an historian, and the historian is one for whom the past keeps something of the familiar triviality of the present, and the present already has some of the shadowy magnificence of the past. Movement and continuity are the conceptions with which he works, and what aesthetic writers claim a passionate apprehension of form to be to the painter, a passionate apprehension of process is to the historian. Macaulay's view of life was somewhat narrow: Whig constitutionalism, Augustan humanity, Baconian induction furnished him with

all the canons he required to measure its advance. That the nineteenth century was richer, more intelligent, more comfortable and more humane than any that had preceded it was enough, and that England led the world in riches, intelligence, comfort, and humanity was a source of endless pride and satisfaction. Like Cromwell's plain russet-coated captain, he understood what he was fighting for and loved what he understood. His mind was the mind of a scholarly English rationalist of the early railway age and pronounced political views; a belated Augustan; like Byron captivated, but like Byron unconverted, by Shelley and Scott. But the springs of his genius were deeper, in an alert and vigorous humanism, which transcended and illuminated his pragmatic philosophy. Nothing recorded of him is more characteristic than a trivial entry in his diary. Roaming in the lanes round Esher he fell in with a party of hop-pickers whom he treated to a pot of beer. 'I liked their looks and I thought their English remarkably good for their rank in life. It was in truth the Surrey English, the English of the suburbs of London, which is to the Somersetshire and Yorkshire what Castilian is to the Andalusian, or Tuscan to Neapolitan.' Macaulay had no Wordsworthian illusions about peasants or the goodness of the lower orders as such. But the sound of a few well-uttered words was enough to set his mind ranging in search of some kindred excellence, from the Surrey alehouse to the stage trodden by the highbred nobles of Calderon, and 'the gardens where Lorenzo meditated a song for the Mayday dance of the Etrurian virgins'.

His Whig scorn for the irrationality of mobs blazes in his speech on the People's Charter. But not less fiery is the humanist's scorn for those who would withhold from the people their birthright of leisure and instruction. Untouched by the new cosmology which was unseating man from his ancient pre-eminence as eldest child and vicegerent

of the Creator, Macaulay in his heart believed in that perfectibility at which Carlyle gibed. As sceptical as Gibbon, he left Vital Religion behind him at Clapham where it belonged, and took in its place a buoyant because demonstrable faith in human progress. *Il a son orgueil d'homme*: and out of this pride flowers the unexpected tenderness, the loving particularity with which he dwells on every instance of human goodness or ingenuity, courage in war, self-discipline in peace, of science and invention, craftsmanship and discovery, that comes his way; or tracks the human associations of every place he mentions, remembering that the gardens of Sir Thomas Browne were the pride of Norwich, that Johnson's father had kept a weekly stall in Birmingham market, and that Scott had seen the sword-dance of the borderers 'at Keeldar by the sources of the Tyne'.

This humanism was drawn and nourished from the fountainhead, from Florence, from Rome, and from Athens, and of the three perhaps Italy yielded the largest draught. Brougham, before he learnt to be jealous, had advised him to nourish his eloquence on Demosthenes and Dante; and Dante, more than even Shakespeare or the Greeks, was in literature the great passion of his life. It is easier to picture him in Florence of the fifteenth century, ensconced in some dignified but not laborious secretariat, than in any other place or age except his own. The affinity in a temperament so un-aesthetic is somewhat surprising: not even Mrs. Austin could get him to look at a Primitive with patience; his favourite painter was Correggio, his favourite architecture the palaces of the High Renaissance. But intellectually he homes to Florence and the Early Renaissance as instinctively as he shrinks from the Dark Ages and the North, and his essay is still reprinted in Italy as the best introduction to the study of Machiavelli.

* * * * *

Once this humanism made a mark in history

which, for good or evil, has not been, and is never likely to be, effaced. For their celebrity and their consequences, Maculay's Minutes on Indian Education are the least accessible writings in the language. They were not reprinted in his works: Sir George Trevelyan in the *Life* gave only an abbreviated text: there is no complete copy in the British Museum. Enough is here reprinted to show the spirit in which Macaulay approached the problem, and if the spirit is, in one of its aspects, English of 1835, in all the rest it is Italian of the Quattrocento, unrestrained by the necessity of paying a decent reverence to the practices of an established religion. The Company, in a remarkable document which office tradition no doubt rightly ascribed to the hand of James Mill, had laid down the principle that, as compensation for the authority they had lost by the Conquest, natives of the higher ranks were to be educated for positions of responsibility in the English services. Neither Mill nor Macaulay had any doubts where the path on which they were entering would lead them. An administration open to all Indians and manned even in the higher branches by Indians of birth was bound in the long run to become an Indian administration. It remained to fit the Indians for their future, which, intellectually, meant to detach them from their past and to graft them, if they could be grafted, on to the stock of Western science and culture. The more liberal tradition which, since the days of Warren Hastings, had encouraged English officials to interest themselves in Eastern philosophy and literature, was to be brought to an end. It seems fairly clear that in Macaulay's mind it would be no great loss to India if the philosophy and literature themselves came to an end: the only Eastern writing in which he shows the faintest interest is a Sanskrit translation of Homer reported to be current in the second century. Instruction in Arabic and Sanskrit could produce nothing but a learned native; instruction in English

would open to the Indian all the treasures of Western knowledge. So Agricola had civilized the Britons: so Peter had civilized Russia: so Greece had carried her arts and language to the confines of that unknown world which in the revolution of time had become the dominion of the children of the sea. 'The sceptre may pass from us. Victory may be inconstant to our arms. But there are triumphs which are followed by no reverse. There is an empire exempt from all natural cause of decay. Those triumphs are the pacific triumphs of reason over barbarism; that empire is the imperishable empire of our arts and our morals, our literature and our laws.'

G. M. YOUNG.

1935

NOTE

NOTE.—THE following table will explain the more important political allusions in the Reform Speeches.

| | | |
|-------|-----------|---|
| 1830. | July. | Revolution in Paris. Expulsion of the Bourbons. |
| | Harvest. | Labourers' Rising in the South of England. General Election. |
| | Nov. 2. | Parliament meets. Duke of Wellington declares against Reform. |
| | Nov. 8. | King's visit to the City cancelled. |
| | Nov. 15. | Government defeated. |
| | | Reform Government: Grey P.M.: Brougham Chancellor: Althorp Ch. of Ex. and leader of the House of Commons: John Russell Paymaster General. |
| 1831. | Mar. 1. | Russell introduces First Reform Bill. |
| | Mar. 2. | Macauley's First Speech. |
| | Mar. 22. | First reading carried by majority of one. |
| | Apr. 18. | Gascoyne's amendment (number of members not to be reduced) carried by 8. |
| | Apr. 22 | Parliament dissolved. |
| | | General Election. |
| | June 24. | Second Reform Bill introduced. |
| | July 4. | Second reading. |
| | July 5. | Macauley's Second Speech. |
| | Sept. 20. | Macauley's Third Speech. |
| | Sept. 22. | Bill passed the Commons. |
| | Oct. 8. | Bill rejected by the Lords. |
| | Oct. 10. | Macauley's Fourth Speech. |
| | Oct. 15. | Nottingham Castle burnt. |
| | Oct. 30. | Sack of Bristol. |
| | | General anticipation of revolution. |
| | Dec. 12. | Third Reform Bill, introduced. |
| | Dec. 16. | Second reading: Macauley's Fifth Speech. |

1832. *Feb. 28.* Macaulay's Sixth Speech.
Mar. 26. Bill sent to Lords.
May 8. Lyndhurst's amendment, postponing
the disfranchising clauses, carried.
Grey resigns. Duke of Wellington
P.M. Preparations for a general
insurrection.
May 15. Grey returns to office.
June 4. Bill passes the Lords.

To
HENRY
MARQUESS OF LANSDOWNE

*these speeches are dedicated by
his grateful and
affectionate friend*

THOMAS BABINGTON MACAULAY

[1854]



A Speech delivered in the House of Commons on the 2nd of March, 1831

ON Tuesday, the first of March, 1831, Lord John Russell moved the House of Commons for leave to bring in a Bill to amend the representation of the people in England and Wales. The discussion occupied seven nights. At length, on the morning of Thursday, the tenth of March, the motion was carried without a division. The following Speech was made on the second night of the debate.

IT is a circumstance, Sir, of happy augury for the motion before the House, that almost all those who have opposed it have declared themselves hostile on principle to Parliamentary Reform. Two Members, I think, have confessed that, though they disapprove of the plan now submitted to us, they are forced to admit the necessity of a change in the Representative system. Yet even those gentlemen have used, as far as I have observed, no arguments which would not apply as strongly to the most moderate change as to that which has been proposed by His Majesty's Government. I say, Sir, that I consider this as a circumstance of happy augury. For what I feared was, not the opposition of those who are averse to all Reform, but the disunion of reformers. I knew that, during three months, every reformer had been employed in conjecturing what the plan of the Government would be. I knew that every reformer had imagined in his own mind a scheme differing doubtless in some points from that which my noble friend, the Paymaster of the Forces, has developed. I felt therefore great apprehension that one person would be dissatisfied with one part of the bill, that another person would be dissatisfied with another part, and that thus our whole strength would be wasted in internal dissensions. That apprehension is now at an end. I have seen with delight the perfect concord which prevails among all who deserve the

name of reformers in this House; and I trust that I may consider it as an omen of the concord which will prevail among reformers throughout the country. I will not, Sir, at present express any opinion as to the details of the bill; but, having during the last twenty-four hours given the most diligent consideration to its general principles, I have no hesitation in pronouncing it a wise, noble, and comprehensive measure, skilfully framed for the healing of great distempers, for the securing at once of the public liberties and of the public repose, and for the reconciling and knitting together of all the orders of the State.

The honorable Baronet who has just sate down,¹ has told us, that the Ministers have attempted to unite two inconsistent principles in one abortive measure. Those were his very words. He thinks, if I understand him rightly, that we ought either to leave the representative system such as it is, or to make it perfectly symmetrical. I think, Sir, that the Ministers would have acted unwisely if they had taken either course. Their principle is plain, rational, and consistent. It is this, to admit the middle class to a large and direct share in the representation, without any violent shock to the institutions of our country. I understand those cheers: but surely the gentlemen who utter them will allow that the change which will be made in our institutions by this bill is far less violent than that which, according to the honorable Baronet, ought to be made if we make any Reform at all. I praise the Ministers for not attempting, at the present time, to make the representation uniform. I praise them for not effacing the old distinction between the towns and the counties, and for not assigning Members to districts, according to the American practice, by the Rule of Three. The Government has, in my opinion, done all that was necessary for the removing of a great practical evil, and no more than was necessary.

¹ Sir John Walsh.

I consider this, Sir, as a practical question. I rest my opinion on no general theory of government. I distrust all general theories of government. I will not positively say, that there is any form of polity which may not, in some conceivable circumstances, be the best possible. I believe that there are societies in which every man may safely be admitted to vote. Gentlemen may cheer, but such is my opinion. I say, Sir, that there are countries in which the condition of the labouring classes is such that they may safely be intrusted with the right of electing Members of the Legislature. If the labourers of England were in that state in which I, from my soul, wish to see them, if employment were always plentiful, wages always high, food always cheap, if a large family were considered not as an encumbrance but as a blessing, the principal objections to Universal Suffrage would, I think, be removed. Universal Suffrage exists in the United States without producing any very frightful consequences; and I do not believe, that the people of those States, or of any part of the world, are in any good quality naturally superior to our own countrymen. But, unhappily, the labouring classes in England, and in all old countries, are occasionally in a state of great distress. Some of the causes of this distress are, I fear, beyond the control of the Government. We know what effect distress produces, even on people more intelligent than the great body of the labouring classes can possibly be. We know that it makes even wise men irritable, unreasonable, credulous, eager for immediate relief, heedless of remote consequences. There is no quackery in medicine, religion, or politics, which may not impose even on a powerful mind, when that mind has been disordered by pain or fear. It is therefore no reflection on the poorer class of Englishmen, who are not, and who cannot in the nature of things be, highly educated, to say that distress produces on them its natural effects, those effects which it would

produce on the Americans, or on any other people, that it blinds their judgment, that it inflames their passions, that it makes them prone to believe those who flatter them, and to distrust those who would serve them. For the sake, therefore, of the whole society, for the sake of the labouring classes themselves, I hold it to be clearly expedient that, in a country like this, the right of suffrage should depend on a pecuniary qualification.

But, Sir, every argument which would induce me to oppose Universal Suffrage, induces me to support the plan which is now before us. I am opposed to Universal Suffrage, because I think that it would produce a destructive revolution. I support this plan, because I am sure that it is our best security against a revolution. The noble Paymaster of the Forces hinted, delicately indeed and remotely, at this subject. He spoke of the danger of disappointing the expectations of the nation; and for this he was charged with threatening the House. Sir, in the year 1817, the late Lord Londonderry proposed a suspension of the Habeas Corpus Act. On that occasion he told the House that, unless the measures which he recommended were adopted, the public peace could not be preserved. Was he accused of threatening the House? Again, in the year 1819, he proposed the laws known by the name of the Six Acts. He then told the House that, unless the executive power were reinforced, all the institutions of the country would be overturned by popular violence. Was he then accused of threatening the House? Will any gentleman say that it is parliamentary and decorous to urge the danger arising from popular discontent as an argument for severity; but that it is unparliamentary and indecorous to urge that same danger as an argument for conciliation? I, Sir, do entertain great apprehension for the fate of my country. I do in my conscience believe that, unless the plan proposed, or some similar plan, be speedily

adopted, great and terrible calamities will befall us. Entertaining this opinion, I think myself bound to state it, not as a threat, but as a reason. I support this bill because it will improve our institutions; but I support it also because it tends to preserve them. That we may exclude those whom it is necessary to exclude, we must admit those whom it may be safe to admit. At present we oppose the schemes of revolutionists with only one half, with only one quarter of our proper force. We say, and we say justly, that it is not by mere numbers, but by property and intelligence, that the nation ought to be governed. Yet, saying this, we exclude from all share in the government great masses of property and intelligence, great numbers of those who are most interested in preserving tranquillity, and who know best how to preserve it. We do more. We drive over to the side of revolution those whom we shut out from power. Is this a time when the cause of law and order can spare one of its natural allies?

My noble friend, the Paymaster of the Forces, happily described the effect which some parts of our representative system would produce on the mind of a foreigner, who had heard much of our freedom and greatness. If, Sir, I wished to make such a foreigner clearly understand what I consider as the great defects of our system, I would conduct him through that immense city which lies to the north of Great Russell Street and Oxford Street, a city superior in size and in population to the capitals of many mighty kingdoms; and probably superior in opulence, intelligence, and general respectability, to any city in the world. I would conduct him through that interminable succession of streets and squares, all consisting of well built and well furnished houses. I would make him observe the brilliancy of the shops, and the crowd of well appointed equipages. I would show him that magnificent circle of palaces which surrounds the Regent's Park. I would tell him,

that the rental of this district was far greater than that of the whole kingdom of Scotland, at the time of the Union. And then I would tell him, that this was an unrepresented district. It is needless to give any more instances. It is needless to speak of Manchester, Birmingham, Leeds, Sheffield, with no representation, or of Edinburgh and Glasgow with a mock representation. If a property tax were now imposed on the principle that no person who had less than a hundred and fifty pounds a year should contribute, I should not be surprised to find that one half in number and value of the contributors had no votes at all; and it would, beyond all doubt, be found that one fiftieth part in number and value of the contributors had a larger share of the representation than the other forty nine fiftieths. This is not government by property. It is government by certain detached portions and fragments of property, selected from the rest, and preferred to the rest, on no rational principle whatever.

To say that such a system is ancient is no defence. My honorable friend, the Member for the University of Oxford,¹ challenges us to show, that the Constitution was ever better than it is. Sir, we are legislators, not antiquaries. The question for us is, not whether the Constitution was better formerly, but whether we can make it better now. In fact, however, the system was not in ancient times by any means so absurd as it is in our age. One noble Lord² has to-night told us that the town of Aldborough, which he represents, was not larger in the time of Edward the First than it is at present. The line of its walls, he assures us, may still be traced. It is now built up to that line. He argues, therefore, that as the founders of our representative institutions gave Members to Aldborough when it was as small as it now is, those who would disfranchise it on account of its smallness have no right to say that they are

¹ Sir Robert Harry Inglis.

² Lord Stormont.

recurring to the original principle of our representative institutions. But does the noble Lord remember the change which has taken place in the country during the last five centuries? Does he remember how much England has grown in population, while Aldborough has been standing still? Does he consider, that in the time of Edward the First the kingdom did not contain two millions of inhabitants? It now contains nearly fourteen millions. A hamlet of the present day would have been a town of some importance in the time of our early Parliaments. Aldborough may be absolutely as considerable a place as ever. But compared with the kingdom, it is much less considerable, by the noble Lord's own showing, than when it first elected burgesses. My honorable friend, the Member for the University of Oxford, has collected numerous instances of the tyranny which the kings and nobles anciently exercised, both over this House and over the electors. It is not strange that, in times when nothing was held sacred, the rights of the people, and of the representatives of the people, should not have been held sacred. The proceedings which my honorable friend has mentioned, no more prove that, by the ancient constitution of the realm, this House ought to be a tool of the king and of the aristocracy, than the Benevolences and the Shipmoney prove their own legality, or than those unjustifiable arrests, which took place long after the ratification of the great Charter, and even after the Petition of Right, prove that the subject was not anciently entitled to his personal liberty. We talk of the wisdom of our ancestors: and in one respect at least they were wiser than we. They legislated for their own times. They looked at the England which was before them. They did not think it necessary to give twice as many Members to York as they gave to London, because York had been the capital of Britain in the time of Constantius Chlorus; and they would have been

amazed indeed if they had foreseen, that a city of more than a hundred thousand inhabitants would be left without Representatives in the nineteenth century, merely because it stood on ground which, in the thirteenth century, had been occupied by a few huts. They framed a representative system, which, though not without defects and irregularities, was well adapted to the state of England in their time. But a great revolution took place. The character of the old corporations changed. New forms of property came into existence. New portions of society rose into importance. There were in our rural districts rich cultivators, who were not freeholders. There were in our capital rich traders, who were not liverymen. Towns shrank into villages. Villages swelled into cities larger than the London of the Plantagenets. Unhappily, while the natural growth of society went on, the artificial polity continued unchanged. The ancient form of the representation remained; and precisely because the form remained, the spirit departed. Then came that pressure almost to bursting, the new wine in the old bottles, the new society under the old institutions. It is now time for us to pay a decent, a rational, a manly reverence to our ancestors, not by superstitiously adhering to what they, in other circumstances, did, but by doing what they, in our circumstances, would have done. All history is full of revolutions, produced by causes similar to those which are now operating in England. A portion of the community which had been of no account expands and becomes strong. It demands a place in the system, suited, not to its former weakness, but to its present power. If this is granted, all is well. If this is refused, then comes the struggle between the young energy of one class and the ancient privileges of another. Such was the struggle between the Plebeians and the Patricians of Rome. Such was the struggle of the Italian allies for admission to the full rights of Roman citizens. Such was the

struggle of our North American colonies against the mother country. Such was the struggle which the Third Estate of France maintained against the aristocracy of birth. Such was the struggle which the Roman Catholics of Ireland maintained against the aristocracy of creed. Such is the struggle which the free people of colour in Jamaica are now maintaining against the aristocracy of skin. Such, finally, is the struggle which the middle classes in England are maintaining against an aristocracy of mere locality, against an aristocracy the principle of which is to invest a hundred drunken potwallopers in one place, or the owner of a ruined hovel in another, with powers which are withheld from cities renowned to the furthest ends of the earth, for the marvels of their wealth and of their industry.

But these great cities, says my honorable friend, the Member for the University of Oxford, are virtually, though not directly, represented. Are not the wishes of Manchester, he asks, as much consulted as those of any town which sends Members to Parliament? Now, Sir, I do not understand how a power which is salutary when exercised virtually can be noxious when exercised directly. If the wishes of Manchester have as much weight with us as they would have under a system which should give Representatives to Manchester, how can there be any danger in giving Representatives to Manchester? A virtual Representative is, I presume, a man who acts as a direct Representative would act: for surely it would be absurd to say that a man virtually represents the people of Manchester, who is in the habit of saying No, when a man directly representing the people of Manchester would say Aye. The utmost that can be expected from virtual Representation is that it may be as good as direct Representation. If so, why not grant direct Representation to places which, as every body allows, ought, by some process or other, to be represented?

If it be said that there is an evil in change as change, I answer that there is also an evil in discontent as discontent. This, indeed, is the strongest part of our case. It is said that the system works well. I deny it. I deny that a system works well, which the people regard with aversion. We may say here, that it is a good system and a perfect system. But if any man were to say so to any six hundred and fifty-eight respectable farmers or shopkeepers, chosen by lot in any part of England, he would be hooted down, and laughed to scorn. Are these the feelings with which any part of the government ought to be regarded? Above all, are these the feelings with which the popular branch of the legislature ought to be regarded? It is almost as essential to the utility of a House of Commons, that it should possess the confidence of the people, as that it should deserve that confidence. Unfortunately, that which is in theory the popular part of our government, is in practice the unpopular part. Who wishes to dethrone the King? Who wishes to turn the Lords out of their House? Here and there a crazy radical, whom the boys in the street point at as he walks along. Who wishes to alter the constitution of this House? The whole people. It is natural that it should be so. The House of Commons is, in the language of Mr. Burke, a check, not on the people, but for the people. While that check is efficient, there is no reason to fear that the King or the nobles will oppress the people. But if that check requires checking, how is it to be checked? If the salt shall lose its savour, wherewith shall we season it? The distrust with which the nation regards this House may be unjust. But what then? Can you remove that distrust? That it exists cannot be denied. That it is an evil cannot be denied. That it is an increasing evil cannot be denied. One gentleman tells us that it has been produced by the late events in France and Belgium; another, that it is the effect of seditious works which

have lately been published. If this feeling be of origin so recent, I have read history to little purpose. Sir, this alarming discontent is not the growth of a day or of a year. If there be any symptoms by which it is possible to distinguish the chronic diseases of the body politic from its passing inflammations, all those symptoms exist in the present case. The taint has been gradually becoming more extensive and more malignant, through the whole lifetime of two generations. We have tried anodynes. We have tried cruel operations. What are we to try now? Who flatters himself that he can turn this feeling back? Does there remain any argument which escaped the comprehensive intellect of Mr. Burke, or the subtlety of Mr. Windham? Does there remain any species of coercion which was not tried by Mr. Pitt and by Lord Londonderry? We have had laws. We have had blood. New treasons have been created. The Press has been shackled. The Habeas Corpus Act has been suspended. Public meetings have been prohibited. The event has proved that these expedients were mere palliatives. You are at the end of your palliatives. The evil remains. It is more formidable than ever. What is to be done?

Under such circumstances, a great plan of reconciliation, prepared by the Ministers of the Crown, has been brought before us in a manner which gives additional lustre to a noble name, inseparably associated during two centuries with the dearest liberties of the English people. I will not say, that this plan is in all its details precisely such as I might wish it to be; but it is founded on a great and a sound principle. It takes away a vast power from a few. It distributes that power through the great mass of the middle order. Every man, therefore, who thinks as I think is bound to stand firmly by Ministers who are resolved to stand or fall with this measure. Were I one of them, I would sooner, infinitely sooner, fall

with such a measure than stand by any other means that ever supported a Cabinet.

My honorable friend, the Member for the University of Oxford, tells us, that if we pass this law, England will soon be a republic. The reformed House of Commons will, according to him, before it has sate ten years, depose the King, and expel the Lords from their House. Sir, if my honorable friend could prove this, he would have succeeded in bringing an argument for democracy, infinitely stronger than any that is to be found in the works of Paine. My honorable friend's proposition is in fact this; that our monarchical and aristocratical institutions have no hold on the public mind of England; that these institutions are regarded with aversion by a decided majority of the middle class. This, Sir, I say, is plainly deducible from his proposition; for he tells us that the Representatives of the middle class will inevitably abolish royalty and nobility within ten years: and there is surely no reason to think that the Representatives of the middle class will be more inclined to a democratic revolution than their constituents. Now, Sir, if I were convinced that the great body of the middle class in England look with aversion on monarchy and aristocracy, I should be forced, much against my will, to come to this conclusion, that monarchical and aristocratical institutions are unsuited to my country. Monarchy and aristocracy, valuable and useful as I think them, are still valuable and useful as means, and not as ends. The end of government is the happiness of the people: and I do not conceive that, in a country like this, the happiness of the people can be promoted by a form of government in which the middle classes place no confidence, and which exists only because the middle classes have no organ by which to make their sentiments known. But, Sir, I am fully convinced that the middle classes sincerely wish to uphold the Royal prerogatives and the constitutional

rights of the Peers. What facts does my honorable friend produce in support of his opinion? One fact only; and that a fact which has absolutely nothing to do with the question. The effect of this Reform, he tells us, would be to make the House of Commons allpowerful. It was allpowerful once before, in the beginning of 1649. Then it cut off the head of the King, and abolished the House of Peers. Therefore, if it again has the supreme power, it will act in the same manner. Now, Sir, it was not the House of Commons that cut off the head of Charles the First; nor was the House of Commons then allpowerful. It had been greatly reduced in numbers by successive expulsions. It was under the absolute dominion of the army. A majority of the House was willing to take the terms offered by the King. The soldiers turned out the majority; and the minority, not a sixth part of the whole House, passed those votes of which my honorable friend speaks, votes of which the middle classes disapproved then, and of which they disapprove still.

My honorable friend, and almost all the gentlemen who have taken the same side with him in this Debate, have dwelt much on the utility of close and rotten boroughs. It is by means of such boroughs, they tell us, that the ablest men have been introduced into Parliament. It is true that many distinguished persons have represented places of this description. But, Sir, we must judge of a form of government by its general tendency, not by happy accidents. Every form of government has its happy accidents. Despotism has its happy accidents. Yet we are not disposed to abolish all constitutional checks, to place an absolute master over us, and to take our chance whether he may be a Caligula or a Marcus Aurelius. In whatever way the House of Commons may be chosen, some able men will be chosen in that way who would not be chosen in any other way. If there were a law that the hundred tallest men in England

should be Members of Parliament, there would probably be some able men among those who would come into the House by virtue of this law. If the hundred persons whose names stand first in the alphabetical list of the Court Guide were made Members of Parliament, there would probably be able men among them. We read in ancient history, that a very able king was elected by the neighing of his horse: but we shall scarcely, I think, adopt this mode of election. In one of the most celebrated republics of antiquity, Athens, Senators and Magistrates were chosen by lot; and sometimes the lot fell fortunately. Once, for example, Socrates was in office. A cruel and unjust proposition was made by a demagogue. Socrates resisted it at the hazard of his own life. There is no event in Grecian history more interesting than that memorable resistance. Yet who would have officers appointed by lot, because the accident of the lot may have given to a great and good man a power which he would probably never have attained in any other way? We must judge, as I said, by the general tendency of a system. No person can doubt that a House of Commons, chosen freely by the middle classes, will contain many very able men. I do not say, that precisely the same able men who would find their way into the present House of Commons will find their way into the reformed House: but that is not the question. No particular man is necessary to the State. We may depend on it that, if we provide the country with popular institutions, those institutions will provide it with great men.

There is another objection, which, I think, was first raised by the honorable and learned Member for Newport.¹ He tells us that the elective franchise is property; that to take it away from a man who has not been judicially convicted of malpractices is robbery; that no crime is proved against the voters in the close boroughs; that no crime is even imputed to

¹ Mr. Horace Twiss.

them in the preamble of the bill; and that therefore to disfranchise them without compensation would be an act of revolutionary tyranny. The honorable and learned gentleman has compared the conduct of the present Ministers to that of those odious tools of power, who, towards the close of the reign of Charles the Second, seized the charters of the Whig Corporations. Now, there was another precedent, which I wonder that he did not recollect, both because it is much more nearly in point than that to which he referred, and because my noble friend, the Paymaster of the Forces, had previously alluded to it. If the elective franchise is property, if to disfranchise voters without a crime proved, or a compensation given, be robbery, was there ever such an act of robbery as the disfranchising of the Irish forty shilling freeholders? Was any pecuniary compensation given to them? Is it declared in the preamble of the bill which took away their franchise, that they had been convicted of any offence? Was any judicial inquiry instituted into their conduct? Were they even accused of any crime? Or if you say that it was a crime in the electors of Clare to vote for the honorable and learned gentleman¹ who now represents the county of Waterford, was a Protestant freeholder in Louth to be punished for the crime of a Catholic freeholder in Clare? If the principle of the honorable and learned Member for Newport be sound, the franchise of the Irish peasant was property. That franchise the Ministers under whom the honorable and learned Member held office did not scruple to take away. Will he accuse those Ministers of robbery? If not, how can he bring such an accusation against their successors?

Every gentleman, I think, who has spoken from the other side of the House, has alluded to the opinions which some of His Majesty's Ministers formerly entertained on the subject of Reform. It would be officious in me, Sir, to undertake the defence of

¹ [Daniel O'Connell.]

gentlemen who are so well able to defend themselves. I will only say that, in my opinion, the country will not think worse either of their capacity or of their patriotism, because they have shown that they can profit by experience, because they have learned to see the folly of delaying inevitable changes. There are others who ought to have learned the same lesson. I say, Sir, that there are those who, I should have thought, must have had enough to last them all their lives of that humiliation which follows obstinate and boastful resistance to changes rendered necessary by the progress of society, and by the development of the human mind. Is it possible that those persons can wish again to occupy a position which can neither be defended nor surrendered with honour? I well remember, Sir, a certain evening in the month of May, 1827. I had not then the honor of a seat in this House; but I was an attentive observer of its proceedings. The right honorable Baronet opposite,¹ of whom personally I desire to speak with that high respect which I feel for his talents and his character, but of whose public conduct I must speak with the sincerity required by my public duty, was then, as he is now, out of office. He had just resigned the seals of the Home Department, because he conceived that the recent ministerial arrangements had been too favourable to the Catholic claims. He rose to ask whether it was the intention of the new Cabinet to repeal the Test and Corporation Acts, and to reform the Parliament. He bound up, I well remember, those two questions together; and he declared that, if the Ministers should either attempt to repeal the Test and Corporation Acts, or bring forward a measure of Parliamentary Reform, he should think it his duty to oppose them to the utmost. Since that declaration was made four years have elapsed; and what is now the state of the three questions which then chiefly agitated the minds of men? What is

¹ Sir Robert Peel.

become of the Test and Corporation Acts? They are repealed. By whom? By the right honorable Baronet. What has become of the Catholic disabilities? They are removed. By whom? By the right honorable Baronet. The question of Parliamentary Reform is still behind. But signs, of which it is impossible to misconceive the import, do most clearly indicate that, unless that question also be speedily settled, property, and order, and all the institutions of this great monarchy, will be exposed to fearful peril. Is it possible that gentlemen long versed in high political affairs cannot read these signs? Is it possible that they can really believe that the Representative system of England, such as it now is, will last till the year 1860? If not, for what would they have us wait? Would they have us wait merely that we may show to all the world how little we have profited by our own recent experience? Would they have us wait, that we may once again hit the exact point where we can neither refuse with authority, nor concede with grace? Would they have us wait, that the numbers of the discontented party may become larger, its demands higher, its feelings more acrimonious, its organisation more complete? Would they have us wait till the whole tragicomedy of 1827 has been acted over again; till they have been brought into office by a cry of 'No Reform,' to be reformers, as they were once before brought into office by a cry of 'No Popery,' to be emancipators? Have they obliterated from their minds—gladly, perhaps, would some among them obliterate from their minds—the transactions of that year? And have they forgotten all the transactions of the succeeding year? Have they forgotten how the spirit of liberty in Ireland, debarred from its natural outlet, found a vent by forbidden passages? Have they forgotten how we were forced to indulge the Catholics in all the licence of rebels, merely because we chose to withhold from them the liberties of subjects? Do they wait for

associations more formidable than that of the Corn Exchange, for contributions larger than the Rent, for agitators more violent than those who, three years ago, divided with the King and the Parliament the sovereignty of Ireland? Do they wait for that last and most dreadful paroxysm of popular rage, for that last and most cruel test of military fidelity? Let them wait, if their past experience shall induce them to think that any high honour or any exquisite pleasure is to be obtained by a policy like this. Let them wait, if this strange and fearful infatuation be indeed upon them, that they should not see with their eyes, or hear with their ears, or understand with their heart. But let us know our interest and our duty better. Turn where we may, within, around, the voice of great events is proclaiming to us, Reform, that you may preserve. Now, therefore, while every thing at home and abroad forebodes ruin to those who persist in a hopeless struggle against the spirit of the age, now, while the crash of the proudest throne of the continent is still resounding in our ears, now, while the roof of a British palace affords an ignominious shelter to the exiled heir of forty kings, now, while we see on every side ancient institutions subverted, and great societies dissolved, now, while the heart of England is still sound, now, while old feelings and old associations retain a power and a charm which may too soon pass away, now, in this your accepted time, now, in this your day of salvation, take counsel, not of prejudice, not of party spirit, not of the ignominious pride of a fatal consistency, but of history, of reason, of the ages which are past, of the signs of this most portentous time. Pronounce in a manner worthy of the expectation with which this great debate has been anticipated, and of the long remembrance which it will leave behind. Renew the youth of the State. Save property, divided against itself. Save the multitude, endangered by its own ungovernable passions. Save the

aristocracy, endangered by its own unpopular power. Save the greatest, and fairest, and most highly civilised community that ever existed, from calamities which may in a few days sweep away all the rich heritage of so many ages of wisdom and glory. The danger is terrible. The time is short. If this bill should be rejected, I pray to God that none of those who concur in rejecting it may ever remember their votes with unavailing remorse, amidst the wreck of laws, the confusion of ranks, the spoliation of property, and the dissolution of social order.

A Speech delivered in the House of Commons on the 5th of July, 1831

ON Tuesday, the fourth of July, 1831, Lord John Russell moved the second reading of the Bill to amend the representation of the people in England and Wales. Sir John Walsh, member for Sudbury, moved, as an amendment, that the bill should be read that day six months. After a discussion, which lasted three nights, the amendment was rejected by 367 votes to 231, and the original motion was carried. The following Speech was made on the second night of the debate.

NOBODY, Sir, who has watched the course of the debate can have failed to observe that the gentlemen who oppose this bill have chiefly relied on a preliminary objection, which it is necessary to clear away before we proceed to examine whether the proposed changes in our representative system would or would not be improvements. The elective franchise, we are told, is private property. It belongs to this free-man, to that potwalloper, to the owner of this house, to the owner of that old wall; and you have no more right to take it away without compensation than to confiscate the dividends of a fundholder or the rents of a landholder.

Now, Sir, I admit that, if this objection be well founded, it is decisive against the plan of Reform which has been submitted to us. If the franchise be really private property, we have no more right to take members away from Gatton because Gatton is small, and to give them to Manchester because Manchester is large, than Cyrus, in the old story, had to take away the big coat from the little boy and to put it on the big boy. In no case, and under no pretext however specious, would I take away from any member of the community any thing which is of the nature of property, without giving him full compensation. But I deny that the elective franchise is of the nature of property; and I believe that, on this

point, I have with me all reason, all precedent, and all authority. This at least is certain, that, if disfranchisement really be robbery, the representative system which now exists is founded on robbery. How was the franchise in the English counties fixed? By the act of Henry the Sixth, which disfranchised tens of thousands of electors who had not forty shilling freeholds. Was that robbery? How was the franchise in the Irish counties fixed? By the Act of George the Fourth which disfranchised tens of thousands of electors who had not ten pound freeholds. Was that robbery? Or was the great parliamentary reform made by Oliver Cromwell ever designated as robbery, even by those who most abhorred his name? Every body knows that the unsparing manner in which he disfranchised small boroughs was emulously applauded, by royalists, who hated him for having pulled down one dynasty, and by republicans, who hated him for having founded another. Take Sir Harry Vane and Lord Clarendon, both wise men, both I believe, in the main, honest men, but as much opposed to each other in politics as wise and honest men could be. Both detested Oliver; yet both approved of Oliver's plan of parliamentary reform. They grieved only that so salutary a change should have been made by an usurper. Vane wished it to have been made by the Rump; Clarendon wished it to be made by the King. Clarendon's language on this subject is most remarkable. For he was no rash innovator. The bias of his mind was altogether on the side of antiquity and prescription. Yet he describes that great disfranchisement of boroughs as an improvement fit to be made in a more warrantable method and at a better time. The words were prophetic. This is that more warrantable method. This is that better time. What Cromwell attempted to effect by an usurped authority, in a country which had lately been convulsed by civil war, and which was with difficulty kept in a state of sullen tran-

quillity by military force, it has fallen to our lot to accomplish in profound peace, and under the rule of a prince whose title is unquestioned, whose office is revered, and whose person is beloved. It is easy to cōnceive with what scorn and astonishment Clarendon would have heard it said that the reform which seemed to him so obviously just and reasonable that he praised it, even when made by a regicide, could not, without the grossest iniquity, be made even by a lawful King and a lawful Parliament.

Sir, in the name of the institution of property, of that great institution, for the sake of which, chiefly, all other institutions exist, of that great institution to which we owe all knowledge, all commerce, all industry, all civilisation, all that makes us to differ from the tattooed savages of the Pacific Ocean, I protest against the pernicious practice of ascribing to that which is not property the sanctity which belongs to property alone. If, in order to save political abuses from that fate with which they are threatened by the public hatred, you claim for them the immunities of property, you must expect that property will be regarded with some portion of the hatred which is excited by political abuses. You bind up two very different things, in the hope that they may stand together. Take heed that they do not fall together. You tell the people that it is as unjust to disfranchise a great lord's nomination borough as to confiscate his estate. Take heed that you do not succeed in convincing weak and ignorant minds that there is no more injustice in confiscating his estate than in disfranchising his borough. That this is no imaginary danger, your own speeches in this debate abundantly prove. You begin by ascribing to the franchises of Old Sarum the sacredness of property; and you end, naturally enough, I must own, by treating the rights of property as lightly as I should be inclined to treat the franchises of Old Sarum. When you are reminded that you voted, only two years ago, for dis-

franchising great numbers of freeholders in Ireland, and when you are asked how, on the principles which you now profess, you can justify that vote, you answer very coolly, 'No doubt that was confiscation. No doubt we took away from the peasants of Munster and Connaught, without giving them a farthing of compensation, that which was as much their property as their pigs or their frieze coats. But we did it for the public good. We were pressed by a great State necessity.' Sir, if that be an answer, we too may plead that we too have the public good in view, and that we are pressed by a great State necessity. But I shall resort to no such plea. It fills me with indignation and alarm to hear grave men avow what they own to be downright robbery, and justify that robbery on the ground of political convenience. No, Sir, there is one way, and only one way, in which those gentlemen who voted for the disfranchising Act of 1829 can clear their fame. Either they have no defence, or their defence must be this; that the elective franchise is not of the nature of property, and that therefore disfranchisement is not spoliation.

Having disposed, as I think, of the question of right, I come to the question of expediency. I listened, Sir, with much interest and pleasure to a noble Lord who spoke for the first time in this debate.¹ But I must own that he did not succeed in convincing me that there is any real ground for the fears by which he is tormented. He gave us a history of France since the Restoration. He told us of the violent ebbs and flows of public feeling in that country. He told us that the revolutionary party was fast rising to ascendancy while M. De Cazes was minister; that then came a violent reaction in favour of the monarchy and the priesthood; that then the revolutionary party again became dominant; that there had been a change of dynasty; and that the Chamber of Peers had ceased to be a hereditary body. He then

¹ Lord Porchester.

predicted, if I understood him rightly, that, if we pass this bill, we shall suffer all that France has suffered; that we shall have violent contests between extreme parties, a revolution, and an abolition of the House of Lords. I might, perhaps, dispute the accuracy of some parts of the noble Lord's narrative. But I deny that his narrative, accurate or inaccurate, is relevant. I deny that there is any analogy between the state of France and the state of England. I deny that there is here any great party which answers either to the revolutionary or to the counter-revolutionary party in France. I most emphatically deny that there is any resemblance in the character, and that there is likely to be any resemblance in the fate, of the two Houses of Peers. I always regarded the hereditary Chamber established by Lewis the Eighteenth as an institution which could not last. It was not in harmony with the state of property: it was not in harmony with the public feeling: it had neither the strength which is derived from wealth, nor the strength which is derived from prescription. It was despised as plebeian by the ancient nobility. It was hated as patrician by the democrats. It belonged neither to the old France nor to the new France. It was a mere exotic transplanted from our island. Here it had struck its roots deep, and, having stood during ages, was still green and vigorous. But it languished in the foreign soil and the foreign air, and was blown down by the first storm. It will be no such easy task to uproot the aristocracy of England.

With much more force, at least with much more plausibility, the noble Lord and several other members on the other side of the House have argued against the proposed Reform on the ground that the existing system has worked well. How great a country, they say, is ours! How eminent in wealth and knowledge, in arts and arms! How much admired! How much envied! Is it possible to believe that we have become what we are under a bad government?

And, if we have a good government, why alter it? Now, Sir, I am very far from denying that England is great, and prosperous, and highly civilised. I am equally far from denying, that she owes much of her greatness, of her prosperity, and of her civilisation to her form of government. But is no nation ever to reform its institutions because it has made great progress under those institutions? Why, Sir, the progress is the very thing which makes the reform absolutely necessary. The Czar Peter, we all know, did much for Russia. But for his rude genius and energy, that country might have still been utterly barbarous. Yet would it be reasonable to say, that the Russian people ought always, to the end of time, to be despotically governed, because the Czar Peter was a despot? Let us remember that the government and the society act and react on each other. Sometimes the government is in advance of the society, and hurries the society forward. So urged, the society gains on the government, comes up with the government, outstrips the government, and begins to insist that the government shall make more speed. If the government is wise, it will yield to that just and natural demand. The great cause of revolutions is this, that, while nations move onward, constitutions stand still. The peculiar happiness of England is that here, through many generations, the constitution has moved onward with the nation. Gentlemen have told us, that the most illustrious foreigners have, in every age, spoken with admiration of the English constitution. Comines, they say, in the fifteenth century, extolled the English constitution as the best in the world. Montesquieu, in the eighteenth century, extolled it as the best in the world. And would it not be madness in us to throw away what such men thought the most precious of all our blessings? But was the constitution which Montesquieu praised the same with the constitution which Comines praised? No, Sir; if it had been so, Montesquieu never would

have praised it. For how was it possible that a polity which exactly suited the subjects of Edward the Fourth should have exactly suited the subjects of George the Second? The English have, it is true, long been a great and a happy people. But they have been great and happy because their history has been the history of a succession of timely reforms. The Great Charter, the assembling of the first House of Commons, the Petition of Right, the Declaration of Right, the Bill which is now on our table, what are they all but steps in one great progress? To every one of those steps the same objections might have been made which we have heard to-night, 'You are better off than your neighbours are. You are better off than your fathers were. Why can you not leave well alone?'

How copiously might a Jacobite orator have harangued on this topic in the Convention of 1688! 'Why make a change of dynasty? Why trouble ourselves to devise new securities for our laws and liberties? See what a nation we are. See how population and wealth have increased since what you call the good old times of Queen Elizabeth. You cannot deny that the country has been more prosperous under the kings of the House of Stuart than under any of their predecessors. Keep that House, then, and be thankful.' Just such is the reasoning of the opponents of this bill. They tell us that we are an ungrateful people, and that, under institutions from which we have derived inestimable benefits, we are more discontented than the slaves of the Dey of Tripoli. Sir, if we had been slaves of the Dey of Tripoli, we should have been too much sunk in intellectual and moral degradation to be capable of the rational and manly discontent of freemen. It is precisely because our institutions are so good that we are not perfectly contented with them; for they have educated us into a capacity for enjoying still better institutions. That the English Government has generally been in

advance of almost all other governments is true. But it is equally true that the English nation is, and has during some time been, in advance of the English Government. One plain proof of this is, that nothing is so ill made in our island as the laws. In all those things which depend on the intelligence, the knowledge, the industry, the energy of individuals, or of voluntary combinations of individuals, this country stands preeminent among all the countries of the world, ancient and modern. But in those things which it belongs to the State to direct, we have no such claim to superiority. Our fields are cultivated with a skill unknown elsewhere, with a skill which has extorted rich harvests from moors and morasses. Our houses are filled with conveniences which the kings of former times might have envied. Our bridges, our canals, our roads, our modes of communication, fill every stranger with wonder. Nowhere are manufactures carried to such perfection. Nowhere is so vast a mass of mechanical power collected. Nowhere does man exercise such a dominion over matter. These are the works of the nation. Compare them with the works of the rulers of the nation. Look at the criminal law, at the civil law, at the modes of conveying lands, at the modes of conducting actions. It is by these things that we must judge of our legislators, just as we judge of our manufacturers by the cotton goods and the cutlery which they produce, just as we judge of our engineers by the suspension bridges, the tunnels, the steam carriages which they construct. Is, then, the machinery by which justice is administered framed with the same exquisite skill which is found in other kinds of machinery? Can there be a stronger contrast than that which exists between the beauty, the completeness, the speed, the precision with which every process is performed in our factories, and the awkwardness, the rudeness, the slowness, the uncertainty of the apparatus by which offences are punished and

rights vindicated? Look at that series of penal statutes, the most bloody and the most inefficient in the world, at the puerile fictions which make every declaration and every plea unintelligible both to plaintiff and defendant, at the mummery of fines and recoveries, at the chaos of precedents, at the bottomless pit of Chancery. Surely we see the barbarism of the thirteenth century and the highest civilisation of the nineteenth century side by side; and we see that the barbarism belongs to the government, and the civilisation to the people.

This is a state of things which cannot last. If it be not terminated by wisdom, it will be terminated by violence. A time has come at which it is not merely desirable, but indispensable to the public safety, that the government should be brought into harmony with the people; and it is because this bill seems to me likely to bring the government into harmony with the people, that I feel it to be my duty to give my hearty support to His Majesty's Ministers.

We have been told, indeed, that this is not the plan of Reform which the nation asked for. Be it so. But you cannot deny that it is the plan of Reform which the nation has accepted. That, though differing in many respects from what was asked, it has been accepted with transports of joy and gratitude, is a decisive proof of the wisdom of timely concession. Never in the history of the world was there so signal an example of that true statesmanship, which, at once animating and gently curbing the honest enthusiasm of millions, guides it safely and steadily to a happy goal. It is not strange, that when men are refused what is reasonable, they should demand what is unreasonable. It is not strange that, when they find that their opinion is contemned and neglected by the Legislature, they should lend a too favourable ear to worthless agitators. We have seen how discontent may be produced. We have seen, too, how it may be appeased. We have seen that the true source of the

power of demagogues is the obstinacy of rulers, and that a liberal Government makes a conservative people. Early in the last session, the First Minister of the Crown declared that he would consent to no Reform; that he thought our representative system, just as it stood, the masterpiece of human wisdom; that, if he had to make it anew, he would make it such as it was, with all its represented ruins and all its unrepresented cities. What followed? Every thing was tumult and panic. The funds fell. The streets were insecure. Men's hearts failed them for fear. We began to move our property into German investments and American investments. Such was the state of the public mind, that it was not thought safe to let the Sovereign pass from his palace to the Guildhall of his capital. What part of his kingdom is there in which His Majesty now needs any other guard than the affection of his loving subjects? There are, indeed, still malecontents; and they may be divided into two classes, the friends of corruption and the sowers of sedition. It is natural that all who directly profit by abuses, and all who profit by the disaffection which abuses excite, should be leagued together against a bill which, by making the government pure, will make the nation loyal. There is, and always has been, a real alliance between the two extreme parties in this country. They play into each other's hands. They live by each other. Neither would have any influence if the other were taken away. The demagogue would have no audience but for the indignation excited among the multitude by the insolence of the enemies of Reform: and the last hope of the enemies of Reform is in the uneasiness excited among all who have any thing to lose by the ravings of the demagogue. I see, and glad I am to see, that the nation perfectly understands and justly appreciates this coalition between those who hate all liberty and those who hate all order. England has spoken, and spoken out. From her most opulent seaports,

from her manufacturing towns, from her capital and its gigantic suburbs, from almost every one of her counties, has gone forth a voice, answering in no doubtful or faltering accent to that truly royal voice which appealed on the twenty-second of last April to the sense of the nation.

So clearly, indeed, has the sense of the nation been expressed, that scarcely any person now ventures to declare himself hostile to all Reform. We are, it seems, a House of Reformers. Those very gentlemen who, a few months ago, were vehement against all change, now own that some change may be proper, may be necessary. They assure us that their opposition is directed, not against Parliamentary Reform, but against the particular plan which is now before us, and that a Tory Ministry would devise a much better plan. I cannot but think that these tactics are unskilful. I cannot but think that, when our opponents defended the existing system in every part, they occupied a stronger position than at present. As my noble friend the Paymaster General said, they have committed an error resembling that of the Scotch army at Dunbar. They have left the high ground from which we might have had some difficulty in dislodging them. They have come down to low ground, where they are at our mercy. Surely, as Cromwell said, surely the Lord hath delivered them into our hand.

For, Sir, it is impossible not to perceive that almost every argument which they have urged against this Reform Bill may be urged with equal force, or with greater force, against any Reform Bill which they can themselves bring in.

First take, what, indeed, are not arguments, but wretched substitutes for arguments, those vague terms of reproach which have been so largely employed, here and elsewhere, by our opponents; revolutionary, anarchical, traitorous, and so forth. It will, I apprehend, hardly be disputed that these epithets

can be just as easily applied to one Reform Bill as to another.

But, you say, intimidation has been used to promote the passing of this bill; and it would be disgraceful, and of evil example, that Parliament should yield to intimidation. But surely, if that argument be of any force against the present bill, it will be of tenfold force against any Reform Bill proposed by you. For this bill is the work of men who are Reformers from conscientious conviction, of men, some of whom were Reformers when Reformer was a name of reproach, of men, all of whom were Reformers before the nation had begun to demand Reform in imperative and menacing tones. But you are notoriously Reformers merely from fear. You are Reformers under duress. If a concession is to be made to the public importunity, you can hardly deny that it will be made with more grace and dignity by Lord Grey than by you.

Then you complain of the anomalies of the bill. One county, you say, will have twelve members; and another county, which is larger and more populous, will have only ten. Some towns, which are to have only one member, are more considerable than other towns which are to have two. Do those who make these objections, objections which by the bye will be more in place when the bill is in committee, seriously mean to say that a Tory Reform Bill will leave no anomalies in the representative system? For my own part, I trouble myself not at all about anomalies, considered merely as anomalies. I would not take the trouble of lifting up my hand to get rid of an anomaly that was not also a grievance. But if gentlemen have such a horror of anomalies, it is strange that they should so long have persisted in upholding a system made up of anomalies far greater than any that can be found in this bill (a cry of *no!*). Yes; far greater. Answer me, if you can; but do not interrupt me. On this point, indeed, it is much easier to interrupt than

to answer. For who can answer plain arithmetical demonstration? Under the present system, Manchester, with two hundred thousand inhabitants, has no members. Old Sarum, with no inhabitants, has two members. Find me such an anomaly in the schedules which are now on the table. But is it possible that you, that Tories, can seriously mean to adopt the only plan which can remove all anomalies from the representative system? Are you prepared to have, after every decennial census, a new distribution of members among electoral districts? Is your plan of Reform that which Mr. Canning satirised as the most crazy of all the projects of the disciples of Tom Paine? Do you really mean

‘That each fair burgh, numerically free,
Shall choose its members by the rule of three?’

If not, let us hear no more of the anomalies of the Reform Bill.

But your great objection to this bill is that it will not be final. I ask you whether you think that any Reform Bill which you can frame will be final? For my part I do believe that the settlement proposed by His Majesty’s Ministers will be final, in the only sense in which a wise man ever uses that word. I believe that it will last during that time for which alone we ought at present to think of legislating. Another generation may find in the new representative system defects such as we find in the old representative system. Civilisation will proceed. Wealth will increase. Industry and trade will find out new seats. The same causes which have turned so many villages into great towns, which have turned so many thousands of square miles of fir and heath into corn-fields and orchards, will continue to operate. Who can say that a hundred years hence there may not be, on the shore of some desolate and silent bay in the Hebrides, another Liverpool, with its docks and warehouses and endless forests of masts? Who can

say that the huge chimneys of another Manchester may not rise in the wilds of Connemara? For our children we do not pretend to legislate. All that we can do for them is to leave to them a memorable example of the manner in which great reforms ought to be made. In the only sense, therefore, in which a statesman ought to say that any thing is final, I pronounce this bill final. But in what sense will your bill be final? Suppose that you could defeat the Ministers, that you could displace them, that you could form a Government, that you could obtain a majority in this House, what course would events take? There is no difficulty in foreseeing the stages of the rapid progress downward. First we should have a mock reform; a Bassietlaw reform;¹ a reform worthy of those politicians who, when a delinquent borough had forfeited its franchise, and when it was necessary for them to determine what they would do with two seats in Parliament, deliberately gave those seats, not to Manchester or Birmingham or Leeds, not to Lancashire or Staffordshire or Devonshire, but to a constituent body studiously selected because it was not large and because it was not independent; a reform worthy of those politicians who, only twelve months ago, refused to give members to the three greatest manufacturing towns in the world. We should have a reform which would produce all the evils and none of the benefits of change, which would take away from the representative system the foundation of prescription, and yet would not substitute the surer foundation of reason and public good. The people would be at once emboldened and exasperated; emboldened because they would see that they had frightened the Tories into making a pretence of reforming the Parliament; and exasperated because

¹ [East Retford had been disfranchised for corruption, but the representation was given, not as Russell proposed, to Leeds, Birmingham, and Manchester, but to the neighbouring hundred of Bassietlaw.]

they would see that the Tory Reform was a mere pretence. Then would come agitation, tumult, political associations, libels, inflammatory harangues. Coercion would only aggravate the evil. This is no age, this is no country, for the war of power against opinion. Those Jacobin mountebanks, whom this bill would at once send back to their native obscurity, would rise into fearful importance. The law would be sometimes braved and sometimes evaded. In short, England would soon be what Ireland was at the beginning of 1829. Then, at length, as in 1829, would come the late and vain repentance. Then, Sir, amidst the generous cheers of the Whigs, who will be again occupying their old seats on your left hand, and amidst the indignant murmurs of those staunch Tories who are now again trusting to be again betrayed, the right honorable Baronet opposite will rise from the Treasury Bench to propose that bill on which the hearts of the people are set. But will that bill be then accepted with the delight and thankfulness with which it was received last March? Remember Ireland. Remember how, in that country, concessions too long delayed were at last received. That great boon which in 1801, in 1813, in 1825, would have won the hearts of millions, given too late, and given from fear, only produced new clamours and new dangers. Is not one such lesson enough for one generation? A noble Lord opposite told us not to expect that this bill will have a conciliatory effect. Recollect, he said, how the French aristocracy surrendered their privileges in 1789, and how that surrender was requited. Recollect that Day of Sacrifices which was afterwards called the Day of Dupes. Sir, that day was afterwards called the Day of Dupes, not because it was the Day of Sacrifices, but because it was the Day of Sacrifices too long deferred. It was because the French aristocracy resisted reform in 1783, that they were unable to resist revolution in 1789. It was because they

clung too long to odious exemptions and distinctions, that they were at last unable to save their lands, their mansions, their heads. They would not endure Turgot: and they had to endure Robespierre.

I am far indeed from wishing that the Members of this House should be influenced by fear in the bad and unworthy sense of that word. But there is an honest and honorable fear, which well becomes those who are intrusted with the dearest interests of a great community; and to that fear I am not ashamed to make an earnest appeal. It is very well to talk of confronting sedition boldly, and of enforcing the law against those who would disturb the public peace. No doubt a tumult caused by local and temporary irritation ought to be suppressed with promptitude and vigour. Such disturbances, for example, as those which Lord George Gordon raised in 1780, should be instantly put down with the strong hand. But woe to the Government which cannot distinguish between a nation and a mob! Woe to the Government which thinks that a great, a steady, a long continued movement of the public mind is to be stopped like a street riot! This error has been twice fatal to the great House of Bourbon. God be praised, our rulers have been wiser. The golden opportunity which, if once suffered to escape, might never have been retrieved, has been seized. Nothing, I firmly believe, can now prevent the passing of this noble law, this second Bill of Rights. [*Murmurs.*] Yes, I call it, and the nation calls it, and our posterity will long call it, this second Bill of Rights, this Greater Charter of the Liberties of England. The year 1831 will, I trust, exhibit the first example of the manner in which it behoves a free and enlightened people to purify their polity from old and deeply seated abuses, without bloodshed, without violence, without rapine, all points freely debated, all the forms of senatorial deliberation punctiliously observed, industry and trade not for a moment interrupted, the authority of

law not for a moment suspended. These are things of which we may well be proud. These are things which swell the heart up with a good hope for the destinies of mankind. I cannot but anticipate a long series of happy years; of years during which a parental Government will be firmly supported by a grateful nation; of years during which war, if war should be inevitable, will find us an united people; of years preeminently distinguished by the progress of arts, by the improvement of laws, by the augmentation of the public resources, by the diminution of the public burdens, by all those victories of peace, in which, far more than in any military successes, consists the true felicity of states, and the true glory of statesmen. With such hopes, Sir, and such feelings, I give my cordial assent to the second reading of a bill which I consider as in itself deserving of the warmest approbation, and as indispensably necessary, in the present temper of the public mind, to the repose of the country and to the stability of the throne.

*A Speech delivered in the House of
Commons on the 20th of September, 1831*

ON Monday, the nineteenth of September, 1831, the Bill to amend the representation of the people in England and Wales was read a third time, at an early hour and in a thin house, without any debate. But on the question whether the Bill should pass a discussion arose which lasted three nights. On the morning of the twenty-second of September the House divided; and the Bill passed by 345 votes to 236. The following Speech was made on the second night of the debate.

It is not without great diffidence, Sir, that I rise to address you on a subject which has been nearly exhausted. Indeed, I should not have risen had I not thought that, though the arguments on this question are for the most part old, our situation at present is in a great measure new. At length the Reform Bill, having passed without vital injury through all the dangers which threatened it, during a long and minute discussion, from the attacks of its enemies and from the dissensions of its friends, comes before us for our final ratification, altered, indeed, in some of its details for the better, and in some for the worse, but in its great principles still the same bill which, on the first of March, was proposed to the late Parliament, the same bill which was received with joy and gratitude by the whole nation, the same bill which, in an instant, took away the power of interested agitators, and united in one firm body all the sects of sincere Reformers, the same bill which, at the late election, received the approbation of almost every great constituent body in the empire. With a confidence which discussion has only strengthened, with an assured hope of great public blessings if the wish of the nation shall be gratified, with a deep and solemn apprehension of great public calamities if that wish shall be disappointed, I, for the last time, give my most hearty assent to this noble law, destined, I

trust, to be the parent of many good laws, and, through a long series of years, to secure the repose and promote the prosperity of my country.

When I say that I expect this bill to promote the prosperity of the country, I by no means intend to encourage those chimerical hopes which the honorable and learned Member for Rye,¹ who has so much distinguished himself in this debate, has imputed to the Reformers. The people, he says, are for the bill, because they expect that it will immediately relieve all their distresses. Sir, I believe that very few of that large and respectable class which we are now about to admit to a share of political power entertain any such absurd expectation. They expect relief, I doubt not; and I doubt not that they will find it: but sudden relief they are far too wise to expect. The bill, says the honorable and learned gentleman, is good for nothing: it is merely theoretical: it removes no real and sensible evil: it will not give the people more work, or higher wages, or cheaper bread. Undoubtedly, Sir, the bill will not immediately give all those things to the people. But will any institutions give them all those things? Do the present institutions of the country secure to them those advantages? If we are to pronounce the Reform Bill good for nothing, because it will not at once raise the nation from distress to prosperity, what are we to say of that system under which the nation has been of late sinking from prosperity into distress? The defect is not in the Reform Bill, but in the very nature of government. On the physical condition of the great body of the people, government acts not as a specific, but as an alterative. Its operation is powerful, indeed, and certain, but gradual and indirect. The business of government is not directly to make the people rich, but to protect them in making themselves rich; and a government which attempts more than this is precisely the government which is likely to perform

¹ Mr. Pemberton.

less. Governments do not and cannot support the people. We have no miraculous powers: we have not the rod of the Hebrew lawgiver: we cannot rain down bread on the multitude from Heaven: we cannot smite the rock and give them to drink. We can give them only freedom to employ their industry to the best advantage, and security in the enjoyment of what their industry has acquired. These advantages it is our duty to give at the smallest possible cost. The diligence and forethought of individuals will thus have fair play; and it is only by the diligence and forethought of individuals that the community can become prosperous. I am not aware that His Majesty's Ministers, or any of the supporters of this bill, have encouraged the people to hope, that Reform will remove distress, in any other way than by this indirect process. By this indirect process the bill will, I feel assured, conduce to the national prosperity. If it had been passed fifteen years ago, it would have saved us from our present embarrassments. If we pass it now, it will gradually extricate us from them. It will secure to us a House of Commons, which, by preserving peace, by destroying monopolies, by taking away unnecessary public burthens, by judiciously distributing necessary public burthens, will, in the progress of time, greatly improve our condition. This it will do; and those who blame it for not doing more blame it for not doing what no Constitution, no code of laws, ever did or ever will do; what no legislator, who was not an ignorant and unprincipled quack, ever ventured to promise.

But chimerical as are the hopes which the honorable and learned Member for Rye imputes to the people, they are not, I think, more chimerical than the fears which he has himself avowed. Indeed, those very gentlemen who are constantly telling us that we are taking a leap in the dark, that we pay no attention to the lessons of experience, that we are mere

theorists, are themselves the despisers of experience, are themselves the mere theorists. They are terrified at the thought of admitting into Parliament members elected by ten pound householders. They have formed in their own imaginations a most frightful idea of these members. My honorable and learned friend, the Member for Cockermouth,¹ is certain that these members will take every opportunity of promoting the interests of the journeyman in opposition to those of the capitalist. The honorable and learned Member for Rye is convinced that none but persons who have strong local connections, will ever be returned for such constituent bodies. My honorable friend, the Member for Thetford,² tells us, that none but mob orators, men who are willing to pay the basest court to the multitude, will have any chance. Other speakers have gone still further, and have described to us the future borough members as so many Marats and Santerres, low, fierce, desperate men, who will turn the House into a bear garden, and who will try to turn the monarchy into a republic, mere agitators, without honor, without sense, without education, without the feelings or the manners of gentlemen. Whenever, during the course of the fatiguing discussions by which we have been so long occupied, there has been a cry of 'question', or a noise at the bar, the orator who has been interrupted has remarked, that such proceedings will be quite in place in the Reformed Parliament, but that we ought to remember that the House of Commons is still an assembly of gentlemen. This, I say, is to set up mere theory, or rather mere prejudice, in opposition to long and ample experience. Are the gentlemen who talk thus ignorant that we have already the means of judging what kind of men the ten pound householders will send up to Parliament? Are they ignorant that there are even now large towns with very popular franchises, with franchises

¹ Sir James Scarlett.

² Mr. Alexander Baring.

even more democratic than those which will be bestowed by the present bill? Ought they not, on their own principles, to look at the results of the experiments which have already been made, instead of predicting frightful calamities at random? How do the facts which are before us agree with their theories? Nottingham is a city with a franchise even more democratic than that which this bill establishes. Does Nottingham send hither mere vulgar demagogues? It returns two distinguished men, one an advocate, the other a soldier, both unconnected with the town. Every man paying scot and lot has a vote at Leicester. This is a lower franchise than the ten pound franchise. Do we find that the Members for Leicester are the mere tools of the journeymen? I was at Leicester during the contest of 1826; and I recollect that the suffrages of the scot and lot voters were pretty equally divided between two candidates, neither of them connected with the place, neither of them a slave of the mob, one a Tory Baronet from Derbyshire, the other a most respectable and excellent friend of mine, connected with the manufacturing interest, and also an inhabitant of Derbyshire. Look at Norwich. Look at Northampton, with a franchise more democratic than even the scot and lot franchise. Northampton formerly returned Mr. Perceval, and now returns gentlemen of high respectability, gentlemen who have a great stake in the prosperity and tranquillity of the country. Look at the metropolitan districts. This is an *a fortiori* case. Nay it is—the expression, I fear, is awkward—an *a fortiori* case at two removes. The ten pound householders of the metropolis are persons in a lower station of life than the ten pound householders of other towns. The scot and lot franchise in the metropolis is again lower than the ten pound franchise. Yet have Westminster and Southwark been in the habit of sending us members of whom we have had reason to be ashamed, of whom we have not had reason to be proud? I do not

say that the inhabitants of Westminster and Southwark have always expressed their political sentiments with proper moderation. That is not the question. The question is this: what kind of men have they elected? The very principle of all Representative government is, that men who do not judge well of public affairs may be quite competent to choose others who will judge better. Whom, then, have Westminster and Southwark sent us during the last fifty years, years full of great events, years of intense popular excitement? Take any one of those nomination boroughs, the patrons of which have conscientiously endeavoured to send fit men into this House. Compare the Members for that borough with the Members for Westminster and Southwark; and you will have no doubt to which the preference is due. It is needless to mention Mr. Fox, Mr. Sheridan, Mr. Tierney, Sir Samuel Romilly. Yet I must pause at the name of Sir Samuel Romilly. Was he a mob orator? Was he a servile flatterer of the multitude? Sir, if he had any fault, if there was any blemish on that most serene and spotless character, that character which every public man, and especially every professional man engaged in politics, ought to propose to himself as a model, it was this, that he despised popularity too much and too visibly. The honorable Member for Thetford told us that the honorable and learned Member for Rye, with all his talents, would have no chance of a seat in the Reformed Parliament, for want of the qualifications which succeed on the hustings. Did Sir Samuel Romilly ever appear on the hustings of Westminster? He never solicited one vote; he never showed himself to the electors, till he had been returned at the head of the poll. Even then, as I have heard from one of his nearest relatives, it was with reluctance that he submitted to be chaired. He shrank from being made a show. He loved the people, and he served them; but Coriolanus himself was not less fit to canvass

them. I will mention one other name, that of a man of whom I have only a childish recollection, but who must have been intimately known to many of those who hear me, Mr. Henry Thornton. He was a man eminently upright, honorable, and religious, a man of strong understanding, a man of great political knowledge; but, in all respects, the very reverse of a mob orator. He was a man who would not have yielded to what he considered as unreasonable clamour, I will not say to save his seat, but to save his life. Yet he continued to represent Southwark, Parliament after Parliament, for many years. Such has been the conduct of the scot and lot voters of the metropolis; and there is clearly less reason to expect democratic violence from ten pound householders than from scot and lot householders; and from ten pound householders in the country towns than from ten pound householders in London. Experience, I say, therefore, is on our side; and on the side of our opponents nothing but mere conjecture and mere assertion.

Sir, when this bill was first brought forward, I supported it, not only on the ground of its intrinsic merits, but, also, because I was convinced that to reject it would be a course full of danger. I believe that the danger of that course is in no respect diminished. I believe, on the contrary, that it is increased. We are told that there is a reaction. The warmth of the public feeling, it seems, has abated. In this story both the sections of the party opposed to Reform are agreed; those who hate Reform, because it will remove abuses, and those who hate it, because it will avert anarchy; those who wish to see the electing body controlled by ejections, and those who wish to see it controlled by riots. They must now, I think, be undeceived. They must have already discovered that the surest way to prevent a reaction is to talk about it, and that the enthusiasm of the people is at once rekindled by any indiscreet mention

of their seeming coolness. This, Sir, is not the first reaction which the sagacity of the Opposition has discovered since the Reform Bill was brought in. Every gentleman who sat in the late Parliament, every gentleman who, during the sitting of the late Parliament, paid attention to political speeches and publications, must remember how, for some time before the debate on General Gascoyne's motion, and during the debate on that motion, and down to the very day of the dissolution, we were told that public feeling had cooled. The right honorable Baronet, the Member for Tamworth, told us so. All the literary organs of the Opposition, from the Quarterly Review down to the Morning Post, told us so. All the Members of the Opposition with whom we conversed in private told us so. I have in my eye a noble friend of mine, who assured me, on the very night which preceded the dissolution, that the people had ceased to be zealous for the Ministerial plan, and that we were more likely to lose than to gain by the elections. The appeal was made to the people; and what was the result? What sign of a reaction appeared among the Livery of London? What sign of a reaction did the honorable Baronet who now represents Okehampton find among the freeholders of Cornwall?¹ How was it with the large represented towns? Had Liverpool cooled? or Bristol? or Leicester? or Coventry? or Nottingham? or Norwich? How was it with the great seats of manufacturing industry, Yorkshire, and Lancashire, and Staffordshire, and Warwickshire, and Cheshire? How was it with the agricultural districts, Northumberland and Cumberland, Leicestershire and Lincolnshire, Kent and Essex, Oxfordshire, Hampshire, Somersetshire, Dorsetshire, Devonshire? How was it with the strongholds of aristocratical influence, Newark, and Stamford, and Hertford, and St. Alban's? Never did any people display, within the

¹ Sir Richard Vyvyan.

limits prescribed by law, so generous a fervour, or so steadfast a determination, as that very people whose apparent languor had just before inspired the enemies of Reform with a delusive hope.

Such was the end of the reaction of April; and, if that lesson shall not profit those to whom it was given, such and yet more signal will be the end of the reaction of September. The two cases are strictly analogous. In both cases the people were eager when they believed the bill to be in danger, and quiet when they believed it to be in security. During the three or four weeks which followed the promulgation of the Ministerial plan, all was joy, and gratitude, and vigorous exertion. Everywhere meetings were held: everywhere resolutions were passed: from every quarter were sent up petitions to this House, and addresses to the Throne: and then the nation, having given vent to its first feelings of delight, having clearly and strongly expressed its opinions, having seen the principle of the bill adopted by the House of Commons on the second reading, became composed, and awaited the result with a tranquillity which the Opposition mistook for indifference. All at once the aspect of affairs changed. General Gascoyne's amendment was carried: the bill was again in danger: exertions were again necessary. Then was it well seen whether the calmness of the public mind was any indication of indifference. The depth and sincerity of the prevailing sentiments were proved, not by mere talking, but by actions, by votes, by sacrifices. Intimidation was defied: expenses were rejected: old ties were broken: the people struggled manfully: they triumphed gloriously: they placed the bill in perfect security, as far as this House was concerned; and they returned to their repose. They are now, as they were on the eve of General Gascoyne's motion, awaiting the issue of the deliberations of Parliament, without any indecent show of violence, but with anxious interest and

immovable resolution. And because they are not exhibiting that noisy and rapturous enthusiasm which is in its own nature transient, because they are not as much excited as on the day when the plan of the Government was first made known to them, or on the day when the late Parliament was dissolved, because they do not go on week after week, hallooing, and holding meetings, and marching about with flags, and making bonfires, and illuminating their houses, we are again told that there is a reaction. To such a degree can men be deceived by their wishes, in spite of their own recent experience. Sir, there is no reaction; and there will be no reaction. All that has been said on this subject convinces me only that those who are now, for the second time, raising this cry, know nothing of the crisis in which they are called on to act, or of the nation which they aspire to govern. All their opinions respecting this bill are founded on one great error. They imagine that the public feeling concerning Reform is a mere whim which sprang up suddenly out of nothing, and which will as suddenly vanish into nothing. They, therefore, confidently expect a reaction. They are always looking out for a reaction. Everything that they see, or that they hear, they construe into a sign of the approach of this reaction. They resemble the man in Horace, who lies on the bank of the river, expecting that it will every moment pass by and leave him a clear passage, not knowing the depth and abundance of the fountain which feeds it, not knowing that it flows, and will flow on for ever. They have found out a hundred ingenious devices by which they deceive themselves. Sometimes they tell us that the public feeling about Reform was caused by the events which took place at Paris about fourteen months ago; though every observant and impartial man knows, that the excitement which the late French revolution produced in England was not the cause but the effect of that progress which liberal opinions had made

amongst us. Sometimes they tell us that we should not have been troubled with any complaints on the subject of the Representation, if the House of Commons had agreed to a certain motion, made in the Session of 1830, for inquiry into the causes of the public distress. I remember nothing about that motion, except that it gave rise to the dullest debate ever known; and the country, I am firmly convinced, cared not one straw about it. But is it not strange that men of real ability can deceive themselves so grossly, as to think that any change in the government of a foreign nation, or the rejection of any single motion, however popular, could all at once raise up a great, rich, enlightened nation, against its ancient institutions? Could such small drops have produced an overflowing, if the vessel had not already been filled to the very brim? These explanations are incredible, and if they were credible, would be anything but consolatory. If it were really true that the English people had taken a sudden aversion to a representative system which they had always loved and admired, because a single division in Parliament had gone against their wishes, or because, in a foreign country, in circumstances bearing not the faintest analogy to those in which we are placed, a change of dynasty had happened, what hope could we have for such a nation of madmen? How could we expect that the present form of government, or any form of government, would be durable amongst them?

Sir, the public feeling concerning Reform is of no such recent origin, and springs from no such frivolous causes. Its first faint commencement may be traced far, very far, back in our history. During seventy years that feeling has had a great influence on the public mind. Through the first thirty years of the reign of George the Third, it was gradually increasing. The great leaders of the two parties in the State were favourable to Reform. Plans of reform were supported by large and most respectable

minorities in the House of Commons. The French Revolution, filling the higher and middle classes with an extreme dread of change, and the war calling away the public attention from internal to external politics, threw the question back; but the people never lost sight of it. Peace came, and they were at leisure to think of domestic improvements. Distress came, and they suspected, as was natural, that their distress was the effect of unfaithful stewardship and unskilful legislation. An opinion favourable to Parliamentary Reform grew up rapidly, and became strong among the middle classes. But one tie, one strong tie, still bound those classes to the Tory party. I mean the Catholic Question. It is impossible to deny that, on that subject, a large proportion, a majority, I fear, of the middle class of Englishmen, conscientiously held opinions opposed to those which I have always entertained, and were disposed to sacrifice every other consideration to what they regarded as a religious duty. Thus the Catholic Question hid, so to speak, the question of Parliamentary Reform. The feeling in favour of Parliamentary Reform grew, but it grew in the shade. Every man, I think, must have observed the progress of that feeling in his own social circle. But few Reform meetings were held, and few petitions in favour of Reform presented. At length the Catholics were emancipated; the solitary link of sympathy which attached the people to the Tories was broken; the cry of 'No Popery' could no longer be opposed to the cry of 'Reform.' That which, in the opinion of the two great parties in Parliament, and of a vast portion of the community, had been the first question, suddenly disappeared; and the question of Parliamentary Reform took the first place. Then was put forth all the strength which had been growing in silence and obscurity. Then it appeared that Reform had on its side a coalition of interests and opinions unprecedented in our history, all the liberality and intelli-

gence which had supported the Catholic claims, and all the clamour which had opposed them.

This, I believe, is the true history of that public feeling on the subject of Reform which has been ascribed to causes quite inadequate to the production of such an effect. If ever there was in the history of mankind a national sentiment which was the very opposite of a caprice, with which accident had nothing to do, which was produced by the slow, steady, certain progress of the human mind, it is the sentiment of the English people on the subject of Reform. Accidental circumstances may have brought that feeling to maturity in a particular year, or a particular month. That point I will not dispute; for it is not worth disputing. But those accidental circumstances have brought on Reform, only as the circumstance that, at a particular time, indulgences were offered for sale in a particular town in Saxony, brought on the great separation from the Church of Rome. In both cases the public mind was prepared to move on the slightest impulse.

Thinking thus of the public opinion concerning Reform, being convinced that this opinion is the mature product of time and of discussion, I expect no reaction. I no more expect to see my countrymen again content with the mere semblance of a Representation, than to see them again drowning witches or burning heretics, trying causes by red hot ploughshares, or offering up human sacrifices to wicker idols. I no more expect a reaction in favour of Gattin and Old Sarum, than a reaction in favour of Thor and Odin. I should think such a reaction almost as much a miracle, as that the shadow should go back upon the dial. Revolutions produced by violence are often followed by reactions; the victories of reason once gained, are gained for eternity.

In fact, if there be, in the present aspect of public affairs, any sign peculiarly full of evil omen to the opponents of Reform, it is that very calmness of the

public mind on which they found their expectation of success. They think that it is the calmness of indifference. It is the calmness of confident hope; and in proportion to the confidence of hope will be the bitterness of disappointment. Disappointment, indeed, I do not anticipate. That we are certain of success in this House is now acknowledged; and our opponents have, in consequence, during the whole of this Session, and particularly during the present debate, addressed their arguments and exhortations rather to the Lords than to the assembly of which they are themselves Members. Their principal argument has always been, that the bill will destroy the peerage. The honorable and learned Member for Rye has, in plain terms, called on the Barons of England to save their order from democratic encroachments, by rejecting this measure. All these arguments, all these appeals, being interpreted, mean this: 'Proclaim to your countrymen that you have no common interests with them, no common sympathies with them; that you can be powerful only by their weakness, and exalted only by their degradation; that the corruption which disgusts them, and the oppression against which their spirit rises up, are indispensable to your authority; that the freedom and purity of election are incompatible with the very existence of your House. Give them clearly to understand that your power rests, not, as they have hitherto imagined, on their rational convictions, or on their habitual veneration, or on your own great property, but on a system fertile of political evils, fertile also of low iniquities of which ordinary justice takes cognisance. Bind up, in inseparable union, the privileges of your estate with the grievances of ours: resolve to stand or fall with abuses visibly marked out for destruction: tell the people that they are attacking you in attacking the three holes in the wall,'¹

¹ [At Midhurst the sites of the burgage tenement (which carried votes) were marked by inscribed stones sunk in the walls.]

and that they shall never get rid of the three holes in the wall till they have got rid of you ; that a hereditary peerage, and a representative assembly, can coexist only in name, and that, if they will have a real House of Peers, they must be content with a mock House of Commons.' This, I say, is the advice given to the Lords by those who call themselves the friends of aristocracy. That advice so pernicious will not be followed, I am well assured; yet I cannot but listen to it with uneasiness. I cannot but wonder that it should proceed from the lips of men who are constantly lecturing us on the duty of consulting history and experience. Have they never heard what effects counsels like their own, when too faithfully followed, have produced? Have they never visited that neighbouring country, which still presents to the eye, even of a passing stranger, the signs of a great dissolution and renovation of society? Have they never walked by those stately mansions, now sinking into decay, and portioned out into lodging rooms, which line the silent streets of the Faubourg St. Germain? Have they never seen the ruins of those castles whose terraces and gardens overhang the Loire? Have they never heard that from those magnificent hotels, from those ancient castles, an aristocracy as splendid, as brave, as proud, as accomplished as ever Europe saw, was driven forth to exile and beggary, to implore the charity of hostile Governments and hostile creeds, to cut wood in the back settlements of America, or to teach French in the schoolrooms of London? And why were those haughty nobles destroyed with that utter destruction? Why were they scattered over the face of the earth, their titles abolished, their escutcheons defaced, their parks wasted, their palaces dismantled, their heritage given to strangers? Because they had no sympathy with the people, no discernment of the signs of their time; because, in the pride and narrowness of their hearts, they called those whose warnings

might have saved them theorists and speculators; because they refused all concession till the time had arrived when no concession would avail. I have no apprehension that such a fate awaits the nobles of England. I draw no parallel between our aristocracy and that of France. Those who represent the peerage as a class whose power is incompatible with the just influence of the people in the State, draw that parallel, and not I. They do all in their power to place the Lords and Commons of England in that position with respect to each other in which the French gentry stood with respect to the Third Estate. But I am convinced that these advisers will not succeed. We see, with pride and delight, among the friends of the people, the Talbots, the Cavendishes, the princely house of Howard. Foremost among those who have entitled themselves, by their exertions in this House, to the lasting gratitude of their countrymen, we see the descendants of Marlborough, of Russell, and of Derby. I hope, and firmly believe, that the Lords will see what their interest and their honor require. I hope, and firmly believe, that they will act in such a manner as to entitle themselves to the esteem and affection of the people. But if not, let not the enemies of Reform imagine that their reign is straightway to recommence, or that they have obtained anything more than a short and uneasy respite. We are bound to respect the constitutional rights of the Peers; but we are bound also not to forget our own. We, too, have our privileges: we, too, are an estate of the realm. A House of Commons strong in the love and confidence of the people, a House of Commons which has nothing to fear from a dissolution, is something in the government. Some persons, I well know, indulge a hope that the rejection of the bill will at once restore the domination of that party which fled from power last November, leaving everything abroad and everything at home in confusion; leaving the Euro-

pean system, which it had built up at a vast cost of blood and treasure, falling to pieces in every direction; leaving the dynasties which it had restored, hastening into exile; leaving the nations which it had joined together, breaking away from each other; leaving the fundholders in dismay; leaving the peasantry in insurrection; leaving the most fertile counties lighted up with the fires of incendiaries; leaving the capital in such a state, that a royal procession could not safely pass through it. Dark and terrible, beyond any season within my remembrance of political affairs, was the day of their flight. Far darker and far more terrible will be the day of their return. They will return in opposition to the whole British nation, united as it was never before united on any internal question; united as firmly as when the Armada was sailing up the channel; united as firmly as when Bonaparte pitched his camp on the cliffs of Boulogne. They will return pledged to defend evils which the people are resolved to destroy. They will return to a situation in which they can stand only by crushing and trampling down public opinion, and from which, if they fall, they may, in their fall, drag down with them the whole frame of society. Against such evils, should such evils appear to threaten the country, it will be our privilege and our duty to warn our gracious and beloved Sovereign. It will be our privilege and our duty to convey the wishes of a loyal people to the throne of a patriot king. At such a crisis the proper place for the House of Commons is in front of the nation; and in that place this House will assuredly be found. Whatever prejudice or weakness may do elsewhere to ruin the empire, here, I trust, will not be wanting the wisdom, the virtue, and the energy that may save it.

A Speech delivered in the House of Commons on the 10th of October: 1831

ON the morning of Saturday, the eighth of October, 1831, the House of Lords, by a majority of 199 to 158, rejected the Reform Bill. On the Monday following, Lord Ebrington, Member for Devonshire, moved the following resolution in the House of Commons:

‘That while this House deeply laments the present fate of a bill for amending the representation of the people in England and Wales, in favour of which the opinion of the country stands unequivocally pronounced, and which has been matured by discussions the most anxious and laborious, it feels itself called upon to reassert its firm adherence to the principle and leading provisions of that great measure, and to express its unabated confidence in the integrity, perseverance, and ability of those Ministers, who, in introducing and conducting it, have so well consulted the best interests of the country.’

The resolution was carried by 329 votes to 198. The following Speech was made early in the debate.

I DOUBT, Sir, whether any person who had merely heard the speech of the right honorable Member for the University of Cambridge¹ would have been able to conjecture what the question is which we are discussing, and what the occasion on which we are assembled. For myself, I can with perfect sincerity declare that never in the whole course of my life did I feel my mind oppressed by so deep and solemn a sense of responsibility as at the present moment. I firmly believe that the country is now in danger of calamities greater than ever threatened it, from domestic misgovernment or from foreign hostility. The danger is no less than this, that there may be a complete alienation of the people from their rulers. To soothe the public mind, to reconcile the people to the delay, the short delay, which must intervene before their wishes can be legitimately gratified, and

¹ Mr. Goulburn.

in the mean time to avert civil discord, and to uphold the authority of law, these are, I conceive, the objects of my noble friend, the Member for Devonshire: these ought, at the present crisis, to be the objects of every honest Englishman. They are objects which will assuredly be attained, if we rise to this great occasion, if we take our stand in the place which the Constitution has assigned to us, if we employ, with becoming firmness and dignity, the powers which belong to us as trustees of the nation, and as advisers of the Throne.

Sir, the Resolution of my noble friend consists of two parts. He calls upon us to declare our undiminished attachment to the principles of the Reform Bill, and also our undiminished confidence in His Majesty's Ministers. I consider these two declarations as identical. The question of Reform is, in my opinion, of such paramount importance, that, approving the principles of the Ministerial Bill, I must think the Ministers who have brought that bill forward, although I may differ from them on some minor points, entitled to the strongest support of Parliament. The right honorable gentleman, the Member for the University of Cambridge, has attempted to divert the course of the debate to questions comparatively unimportant. He has said much about the coal duty, about the candle duty, about the budget of the present Chancellor of the Exchequer. On most of the points to which he has referred, it would be easy for me, were I so inclined, to defend the Ministers; and, where I could not defend them, I should find it easy to recriminate on those who preceded them. The right honorable Member for the University of Cambridge has taunted the Ministers with the defeat which their plan respecting the timber trade sustained in the last Parliament. I might, perhaps, at a more convenient season, be tempted to inquire whether that defeat was more disgraceful to them or to their predecessors. I might,

perhaps, be tempted to ask the right honorable gentleman whether, if he had not been treated, while in office, with more fairness than he has shown while in opposition, it would have been in his power to carry his best bill, the Beer Bill? He has accused the Ministers of bringing forward financial propositions, and then withdrawing those propositions. Did not he bring forward, during the Session of 1830, a plan respecting the sugar duties? And was not that plan withdrawn? But, Sir, this is mere trifling. I will not be seduced from the matter in hand by the right honorable gentleman's example. At the present moment I can see only one question in the State, the question of Reform; only two parties, the friends of the Reform Bill and its enemies.

It is not my intention, Sir, again to discuss the merits of the Reform Bill. The principle of that bill received the approbation of the late House of Commons after a discussion of ten nights; and the bill, as it now stands, after a long and most laborious investigation, passed the present House of Commons by a majority which was nearly half as large again as the minority. This was little more than a fortnight ago. Nothing has since occurred to change our opinion. The justice of the case is unaltered. The public enthusiasm is undiminished. Old Sarum has grown no larger. Manchester has grown no smaller. In addressing this House, therefore, I am entitled to assume that the bill is in itself a good bill. If so, ought we to abandon it merely because the Lords have rejected it? We ought to respect the lawful privileges of their House; but we ought also to assert our own. We are constitutionally as independent of their Lordships as their Lordships are of us. We have precisely as good a right to adhere to our opinion as they have to dissent from it. In speaking of their decision, I will attempt to follow that example of moderation which was so judiciously set by my noble friend, the Member for Devonshire. I will only say that I do

not think that they are more competent to form a correct judgment on a political question than we are. It is certain that, on all the most important points on which the two Houses have for a long time, past differed, the Lords have at length come over to the opinion of the Commons. I am therefore entitled to say, that with respect to all those points, the Peers themselves being judges, the House of Commons was in the right and the House of Lords in the wrong. It was thus with respect to the Slave-trade: it was thus with respect to Catholic Emancipation: it was thus with several other important questions. I, therefore, cannot think that we ought, on the present occasion, to surrender our judgment to those who have acknowledged that, on former occasions of the same kind, we have judged more correctly than they.

Then again, Sir, I cannot forget how the majority and the minority in this House were composed; I cannot forget that the majority contained almost all those gentlemen who are returned by large bodies of electors. It is, I believe, no exaggeration to say, that there were single Members of the majority who had more constituents than the whole minority put together. I speak advisedly and seriously. I believe that the number of freeholders of Yorkshire exceeds that of all the electors who return the Opposition. I cannot with propriety comment here on any reports which may have been circulated concerning the majority and minority in the House of Lords. I may, however, mention these notoriously historical facts; that during the last forty years the powers of the executive Government have been, almost without intermission, exercised by a party opposed to Reform; and that a very great number of Peers have been created, and all the present Bishops raised to the bench during those years. On this question, therefore, while I feel more than usual respect for the judgment of the House of Commons, I feel less

than usual respect for the judgment of the House of Lords. Our decision is the decision of the nation; the decision of their Lordships can scarcely be considered as the decision even of that class from which the Peers are generally selected, and of which they may be considered as virtual representatives, the great landed gentlemen of England. It seems to me clear, therefore, that we ought, notwithstanding what has passed in the other House, to adhere to our opinion concerning the Reform Bill.

The next question is this; ought we to make a formal declaration that we adhere to our opinion? I think that we ought to make such a declaration; and I am sure that we cannot make it in more temperate or more constitutional terms than those which my noble friend asks us to adopt. I support the Resolution which he has proposed with all my heart and soul: I support it as a friend to Reform; but I support it still more as a friend to law, to property, to social order. No observant and unprejudiced man can look forward without great alarm to the effects which the recent decision of the Lords may possibly produce. I do not predict, I do not expect, open, armed insurrection. What I apprehend is this, that the people may engage in a silent, but extensive and persevering war against the law. What I apprehend is, that England may exhibit the same spectacle which Ireland exhibited three years ago, agitators stronger than the magistrate, associations stronger than the law, a Government powerful enough to be hated, and not powerful enough to be feared, a people bent on indemnifying themselves by illegal excesses for the want of legal privileges. I fear, that we may before long see the tribunals defied, the tax-gatherer resisted, public credit shaken, property insecure, the whole frame of society hastening to dissolution. It is easy to say, 'Be bold: be firm: defy intimidation: let the law have its course: the law is strong enough to put down the seditious.' Sir, we have heard all

this blustering before; and we know in what it ended. It is the blustering of little men whose lot has fallen on a great crisis. Xerxes scourging the winds, Canute commanding the waves to recede from his footstool, were but types of the folly of those who apply the maxims of the Quarter Sessions to the great convulsions of society. The law has no eyes: the law has no hands: the law is nothing, nothing but a piece of paper printed by the King's printer, with the King's arms at the top, till public opinion breathes the breath of life into the dead letter. We found this in Ireland. The Catholic Association bearded the Government. The Government resolved to put down the Association. An indictment was brought against my honorable and learned friend, the Member for Kerry.¹ The Grand Jury threw it out. Parliament met. The Lords Commissioners came down with a speech recommending the suppression of the self-constituted legislature of Dublin. A bill was brought in: it passed both Houses by large majorities: it received the Royal assent. And what effect did it produce? Exactly as much as that old Act of Queen Elizabeth, still unrepealed, by which it is provided that every man who, without a special exemption, shall eat meat on Fridays and Saturdays, shall pay a fine of twenty shillings or go to prison for a month. Not only was the Association not destroyed: its power was not for one day suspended: it flourished and waxed strong under the law which had been made for the purpose of annihilating it. The elections of 1826, the Clare election two years later, proved the folly of those who think that nations are governed by wax and parchment: and, at length, in the close of 1828, the Government had only one plain choice before it, concession or civil war. Sir, I firmly believe that, if the people of England shall lose all hope of carrying the Reform Bill by constitutional means, they will forthwith begin to offer to

¹ [O'Connell.]

the Government the same kind of resistance which was offered to the late Government, three years ago, by the people of Ireland, a resistance by no means amounting to rebellion, a resistance rarely amounting to any crime defined by the law, but a resistance nevertheless which is quite sufficient to obstruct the course of justice, to disturb the pursuits of industry, and to prevent the accumulation of wealth. And is not this a danger which we ought to fear? And is not this a danger which we are bound, by all means in our power, to avert? And who are those who taunt us for yielding to intimidation? Who are those who affect to speak with contempt of associations, and agitators, and public meetings? Even the very persons who, scarce two years ago, gave up to associations, and agitators, and public meetings, their boasted Protestant Constitution, proclaiming all the time that they saw the evils of Catholic Emancipation as strongly as ever. Surely, surely, the note of defiance which is now so loudly sounded in our ears, proceeds with a peculiarly bad grace from men whose highest glory it is that they abased themselves to the dust before a people whom their policy had driven to madness, from men the proudest moment of whose lives was that in which they appeared in the character of persecutors scared into toleration. Do they mean to indemnify themselves for the humiliation of quailing before the people of Ireland by trampling on the people of England? If so, they deceive themselves. The case of Ireland, though a strong one, was by no means so strong a case as that with which we have now to deal. The Government, in its struggle with the Catholics of Ireland, had Great Britain at its back. Whom will it have at its back in the struggle with the Reformers of Great Britain? I know only two ways in which societies can permanently be governed, by public opinion, and by the sword. A Government having at its command the armies, the fleets, and the revenues of

Great Britain, might possibly hold Ireland by the sword. So Oliver Cromwell held Ireland; so William the Third held it; so Mr. Pitt held it; so the Duke of Wellington might perhaps have held it. But to govern Great Britain by the sword! So wild a thought has never, I will venture to say, occurred to any public man of any party; and, if any man were frantic enough to make the attempt, he would find, before three days had expired, that there is no better sword than that which is fashioned out of a ploughshare. But, if not by the sword, how is the country to be governed? I understand how the peace is kept at New York. It is by the assent and support of the people. I understand also how the peace is kept at Milan. It is by the bayonets of the Austrian soldiers. But how the peace is to be kept when you have neither the popular assent nor the military force, how the peace is to be kept in England by a Government acting on the principles of the present Opposition, I do not understand.

There is in truth a great anomaly in the relation between the English people and their Government. Our institutions are either too popular or not popular enough. The people have not sufficient power in making the laws; but they have quite sufficient power to impede the execution of the laws when made. The Legislature is almost entirely aristocratical; the machinery by which the decrees of the Legislature are carried into effect is almost entirely popular; and, therefore, we constantly see all the power which ought to execute the law, employed to counteract the law. Thus, for example, with a criminal code which carries its rigour to the length of atrocity, we have a criminal judicature which often carries its lenity to the length of perjury. Our law of libel is the most absurdly severe that ever existed, so absurdly severe that, if it were carried into full effect, it would be much more oppressive than a censorship. And yet, with this severe law of libel, we

have a Press which practically is as free as the air. In 1819 the Ministers complained of the alarming increase of seditious and blasphemous publications. They proposed a bill of great rigour to stop the growth of the evil; and they carried their bill. It was enacted, that the publisher of a seditious libel might, on a second conviction, be banished, and that if he should return from banishment, he might be transported. How often was this law put in force? Not once. Last year we repealed it: but it was already dead, or rather it was dead born. It was obsolete before *Le Roi le veut* had been pronounced over it. For any effect which it produced it might as well have been in the Code Napoleon as in the English Statute Book. And why did the Government, having solicited and procured so sharp and weighty a weapon, straightway hang it up to rust? Was there less sedition, were there fewer libels, after the passing of the Act than before it? Sir, the very next year was the year 1820, the year of the Bill of Pains and Penalties against Queen Caroline, the very year when the public mind was most excited, the very year when the public press was most scurrilous. Why then did not the Ministers use their new law? Because they durst not: because they could not. They had obtained it with ease; for in obtaining it they had to deal with a subservient Parliament. They could not execute it; for in executing it they would have to deal with a refractory people. These are instances of the difficulty of carrying the law into effect when the people are inclined to thwart their rulers. The great anomaly, or, to speak more properly, the great evil which I have described, would, I believe, be removed by the Reform Bill. That bill would establish harmony between the people and the Legislature. It would give a fair share in the making of laws to those without whose cooperation laws are mere waste paper. Under a reformed system we should not see, as we now often see, the nation

repealing Acts of Parliament as fast as we and the Lords can pass them. As I believe that the Reform Bill would produce this blessed and salutary concord, so I fear that the rejection of the Reform Bill, if that rejection should be considered as final, will aggravate the evil which I have been describing to an unprecedented, to a terrible extent. To all the laws which might be passed for the collection of the revenue, or for the prevention of sedition, the people would oppose the same kind of resistance by means of which they have succeeded in mitigating, I might say in abrogating, the law of libel. There would be so many offenders that the Government would scarcely know at whom to aim its blow. Every offender would have so many accomplices and protectors, that the blow would almost always miss the aim. The Veto of the people, a Veto not pronounced in set form like that of the Roman Tribunes, but quite as effectual as that of the Roman Tribunes for the purpose of impeding public measures, would meet the Government at every turn. The Administration would be unable to preserve order at home, or to uphold the national honor abroad; and, at length, men who are now moderate, who now think of revolution with horror, would begin to wish that the lingering agony of the State might be terminated by one fierce, sharp, decisive crisis.

Is there a way of escape from these calamities? I believe that there is. I believe that, if we do our duty, if we give the people reason to believe that the accomplishment of their wishes is only deferred, if we declare our undiminished attachment to the Reform Bill, and our resolution to support no Minister who will not support that bill, we shall avert the fearful disasters which impend over the country. There is danger that, at this conjuncture, men of more zeal than wisdom may obtain a fatal influence over the public mind. With these men will be joined others, who have neither zeal nor wisdom, common

barrators in politics, dregs of society which, in times of violent agitation, are tossed up from the bottom to the top, and which, in quiet times, sink again from the top to their natural place at the bottom. To these men nothing is so hateful as the prospect of a reconciliation between the orders of the State. A crisis like that which now makes every honest citizen sad and anxious fills these men with joy, and with a detestable hope. And how is it that such men, formed by nature and education to be objects of mere contempt, can ever inspire terror? How is it that such men, without talents or acquirements sufficient for the management of a vestry, sometimes become dangerous to great empires? The secret of their power lies in the indolence or faithlessness of those who ought to take the lead in the redress of public grievances. The whole history of low traders in sedition is contained in that fine old Hebrew fable which we have all read in the Book of Judges. The trees meet to choose a king. The vine, and the fig tree, and the olive tree decline the office. Then it is that the sovereignty of the forest devolves upon the bramble: then it is that from a base and noxious shrub goes forth the fire which devours the cedars of Lebanon. Let us be instructed. If we are afraid of Political Unions and Reform Associations, let the House of Commons become the chief point of political union: let the House of Commons be the great Reform Association. If we are afraid that the people may attempt to accomplish their wishes by unlawful means, let us give them a solemn pledge that we will use in their cause all our high and ancient privileges, so often victorious in old conflicts with tyranny; those privileges which our ancestors invoked, not in vain, on the day when a faithless king filled our house with his guards, took his seat, Sir, on your chair, and saw your predecessor kneeling on the floor before him. The Constitution of England, thank God, is not one of those constitutions which are past all repair, and

which must, for the public welfare, be utterly destroyed. It has a decayed part; but it has also a sound and precious part. It requires purification; but it contains within itself the means by which that purification may be effected. We read that in old times, when the villeins were driven to revolt by oppression, when the castles of the nobility were burned to the ground, when the warehouses of London were pillaged, when a hundred thousand insurgents appeared in arms on Blackheath, when a foul murder perpetrated in their presence had raised their passions to madness, when they were looking round for some captain to succeed and avenge him whom they had lost, just then, before Hob Miller, or Tom Carter, or Jack Straw, could place himself at their head, the King rode up to them and exclaimed, 'I will be your leader!' and at once the infuriated multitude laid down their arms, submitted to his guidance, dispersed at his command. Herein let us imitate him. Our countrymen are, I fear, at this moment, but too much disposed to lend a credulous ear to selfish impostors. Let us say to them, 'We are your leaders; we, your own House of Commons; we, the constitutional interpreters of your wishes; the knights of forty English shires, the citizens and burgesses of all your largest towns. Our lawful power shall be firmly exerted to the utmost in your cause; and our lawful power is such, that when firmly exerted in your cause, it must finally prevail.' This tone it is our interest and our duty to take. The circumstances admit of no delay. Is there one among us who is not looking with breathless anxiety for the next tidings which may arrive from the remote parts of the kingdom? Even while I speak, the moments are passing away, the irrevocable moments pregnant with the destiny of a great people. The country is in danger: it may be saved: we can save it: this is the way: this is the time. In our hands are the issues of great good and great evil, the issues of the life and death of the

State. May the result of our deliberations be the repose and prosperity of that noble country which is entitled to all our love; and for the safety of which we are answerable to our own consciences, to the memory of future ages, to the Judge of all hearts!

*A Speech delivered in the House of
Commons on the 16th of December, 1831*

ON Friday, the sixteenth of December, 1831, Lord Althorpe moved the second reading of the Bill to amend the representation of the people in England and Wales. Lord Porchester moved, as an amendment, that the Bill should be read a second time that day six months. The debate lasted till after midnight, and was then adjourned till twelve at noon. The House did not divide till one on the Sunday morning. The amendment was then rejected by 324 votes to 162; and the original motion was carried. The following Speech was made on the first night of the debate.

I CAN assure my noble friend,¹ for whom I entertain sentiments of respect and kindness which no political difference will, I trust, ever disturb, that his remarks have given me no pain, except, indeed, the pain which I feel at being compelled to say a few words about myself. Those words shall be very few. I know how unpopular egotism is in this House. My noble friend says that, in the debates of last March, I declared myself opposed to the ballot, and that I have since recanted, for the purpose of making myself popular with the inhabitants of Leeds. My noble friend is altogether mistaken. I never said, in any debate, that I was opposed to the ballot. The word ballot never passed my lips within this House. I observed strict silence respecting it on two accounts; in the first place, because my own opinions were, till very lately, undecided; in the second place, because I knew that the agitation of that question, a question of which the importance appears to me to be greatly overrated, would divide those on whose firm and cordial union the safety of the empire depends. My noble friend has taken this opportunity of replying to a speech which I made last October. The doctrines which I then laid down were, according to

¹ Lord Mahon.

him, most intemperate and dangerous. Now, Sir, it happens, curiously enough, that my noble friend has himself asserted, in his speech of this night, those very doctrines, in language so nearly resembling mine that I might fairly accuse him of plagiarism. I said that laws have no force in themselves, and that, unless supported by public opinion, they are a mere dead letter. The noble Lord has said exactly the same thing to-night. 'Keep your old Constitution,' he exclaims; 'for, whatever may be its defects in theory, it has more of the public veneration than your new Constitution will have; and no laws can be efficient, unless they have the public veneration.' I said, that statutes are in themselves only wax and parchment; and I was called an incendiary by the Opposition. The noble Lord has said to-night that statutes in themselves are only ink and parchment; and those very persons who reviled me have enthusiastically cheered him. I am quite at a loss to understand how doctrines which are, in his mouth, true and constitutional, can, in mine, be false and revolutionary.

But, Sir, it is time that I should address myself to the momentous question before us. I shall certainly give my best support to this bill through all its stages; and, in so doing, I conceive that I shall act in strict conformity with the resolution by which this House, towards the close of the late Session, declared its unabated attachment to the principles and to the leading provisions of the first Reform Bill. All those principles, all those leading provisions, I find in the present measure. In the details there are, undoubtedly, considerable alterations. Most of the alterations appear to me to be improvements; and even those alterations which I cannot consider as in themselves improvements will yet be most useful, if their effect shall be to conciliate opponents, and to facilitate the adjustment of a question which, for the sake of order, for the sake of peace, for the sake of

trade, ought to be, not only satisfactorily, but speedily settled. We have been told, Sir, that, if we pronounce this bill to be a better bill than the last, we recant all the doctrines which we maintained during the last Session; we sing our palinode; we allow that we have had a great escape; we allow that our own conduct was deserving of censure; we allow that the party which was the minority in this House, and, most unhappily for the country, the majority in the other House, has saved the country from a great calamity. Sir, even if this charge were well founded, there are those who should have been prevented by prudence, if not by magnanimity, from bringing it forward. I remember an Opposition which took a very different course. I remember an Opposition which, while excluded from power, taught all its doctrines to the Government; which, after labouring long, and sacrificing much, in order to effect improvements in various parts of our political and commercial system, saw the honor of those improvements appropriated by others. But the members of that Opposition had, I believe, a sincere desire to promote the public good. They, therefore, raised no shout of triumph over the recantations of their proselytes. They rejoiced, but with no ungenerous joy, when their principles of trade, of jurisprudence, of foreign policy, of religious liberty, became the principles of the Administration. They were content that he who came into fellowship with them at the eleventh hour should have a far larger share of the reward than those who had borne the burthen and heat of the day. In the year 1828, a single division in this House changed the whole policy of the Government with respect to the Test and Corporation Acts. My noble friend, the Paymaster of the Forces, then sat where the right honorable Baronet, the member for Tamworth, now sits. I do not remember that, when the right honorable Baronet announced his change of purpose, my noble friend

sprang up to talk about palinodes, to magnify the wisdom and virtue of the Whigs, and to sneer at his new coadjutors. Indeed, I am not sure that the members of the late Opposition did not carry their indulgence too far; that they did not too easily suffer the fame of Grattan and Romilly to be transferred to less deserving claimants; that they were not too ready, in the joy with which they welcomed the tardy and convenient repentance of their converts, to grant a general amnesty for the errors or the insincerity of years. If it were true that we had recanted, this ought not to be made matter of charge against us by men whom posterity will remember by nothing but recantations. But, in truth, we recant nothing. We have nothing to recant. We support this bill. We may possibly think it a better bill than that which preceded it. But are we therefore bound to admit that we were in the wrong, that the Opposition was in the right, that the House of Lords has conferred a great benefit on the nation? We saw—who did not see?—great defects in the first bill. But did we see nothing else? Is delay no evil? Is prolonged excitement no evil? Is it no evil that the heart of a great people should be made sick by deferred hope? We allow that many of the changes which have been made are improvements. But we think that it would have been far better for the country to have had the last bill, with all its defects, than the present bill, with all its improvements. Second thoughts are proverbially the best, but there are emergencies which do not admit of second thoughts. There probably never was a law which might not have been amended by delay. But there have been many cases in which there would have been more mischief in the delay than benefit in the amendments. The first bill, however inferior it may have been in its details to the present bill, was yet herein far superior to the present bill, that it was the first. If the first bill had passed, it would, I firmly believe,

have produced a complete reconciliation between the aristocracy and the people. It is my earnest wish and prayer that the present bill may produce this blessed effect; but I cannot say that my hopes are so sanguine as they were at the beginning of the last Session. The decision of the House of Lords has, I fear, excited in the public mind feelings of resentment which will not soon be allayed. What then, it is said, would you legislate in haste? Would you legislate in times of great excitement concerning matters of such deep concern? Yes, Sir, I would: and if any bad consequences should follow from the haste and the excitement, let those be held answerable who, when there was no need of haste, when there existed no excitement, refused to listen to any project of Reform, nay, who made it an argument against Reform, that the public mind was not excited. When few meetings were held, when few petitions were sent up to us, these politicians said, 'Would you alter a Constitution with which the people are perfectly satisfied?' And now, when the kingdom from one end to the other is convulsed by the question of Reform, we hear it said by the very same persons, 'Would you alter the Representative system in such agitated times as these?' Half the logic of misgovernment lies in this one sophistical dilemma: If the people are turbulent, they are unfit for liberty: if they are quiet, they do not want liberty.

I allow that hasty legislation is an evil. I allow that there are great objections to legislating in troubled times. But Reformers are compelled to legislate fast, because bigots will not legislate early. Reformers are compelled to legislate in times of excitement, because bigots will not legislate in times of tranquillity. If, ten years ago, nay if only two years ago, there had been at the head of affairs men who understood the signs of the times and the temper of the nation, we should not have been forced to hurry now.

If we cannot take our time, it is because we have to make up for their lost time. If they had reformed gradually, we might have reformed gradually; but we are compelled to move fast, because they would not move at all.

Though I admit, Sir, that this bill is in its details superior to the former bill, I must say that the best parts of this bill, those parts for the sake of which principally I support it, those parts for the sake of which I would support it, however imperfect its details might be, are parts which it has in common with the former bill. It destroys nomination; it admits the great body of the middle orders to a share in the government; and it contains provisions which will, as I conceive, greatly diminish the expense of elections.

Touching the expense of elections I will say a few words, because that part of the subject has not, I think, received so much attention as it deserves. Whenever the nomination boroughs are attacked, the opponents of Reform produce a long list of eminent men who have sate for those boroughs, and who, they tell us, would never have taken any part in public affairs but for those boroughs. Now, Sir, I suppose no person will maintain that a large constituent body is likely to prefer ignorant and incapable men to men of information and ability? Whatever objections there may be to democratic institutions, it was never, I believe, doubted that those institutions are favourable to the development of talents. We may prefer the constitution of Sparta to that of Athens, or the constitution of Venice to that of Florence: but no person will deny that Athens produced more great men than Sparta, or that Florence produced more great men than Venice. But to come nearer home: the five largest English towns which have now the right of returning two members each by popular election, are Westminster, Southwark, Liverpool, Bristol, and Norwich. Now let us see

what members those places have sent to Parliament. I will not speak of the living, though among the living are some of the most distinguished ornaments of the House. I will confine myself to the dead. Among many respectable and useful members of Parliament, whom these towns have returned, during the last half century, I find Mr. Burke, Mr. Fox, Mr. Sheridan, Mr. Windham, Mr. Tierney, Sir Samuel Romilly, Mr. Canning, Mr. Huskisson. These were eight of the most illustrious parliamentary leaders of the generation which is passing away from the world. Mr. Pitt was, perhaps, the only person worthy to make a ninth with them. It is, surely, a remarkable circumstance that, of the nine most distinguished Members of the House of Commons who have died within the last forty years, eight should have been returned to Parliament by the five largest represented towns. I am, therefore, warranted in saying that great constituent bodies are quite as competent to discern merit, and quite as much disposed to reward merit, as the proprietors of boroughs. It is true that some of the distinguished statesmen whom I have mentioned would never have been known to large constituent bodies if they had not first sat for nomination boroughs. But why is this? Simply, because the expense of contesting popular places, under the present system, is ruinously great. A poor man cannot defray it; an untried man cannot expect his constituents to defray it for him. And this is the way in which our Representative system is defended. Corruption vouches corruption. Every abuse is made the plea for another abuse. We must have nomination at Gatton, because we have profusion at Liverpool. Sir, these arguments convince me, not that no Reform is required, but that a very deep and searching Reform is required. If two evils serve in some respects to counterbalance each other, this is a reason, not for keeping both, but for getting rid of both together. At present you close against

men of talents that broad, that noble entrance which belongs to them, and which ought to stand wide open to them; and in exchange you open to them a bye entrance, low and narrow, always obscure, often filthy, through which, too often, they can pass only by crawling on their hands and knees, and from which they too often emerge sullied with stains never to be washed away. But take the most favourable case. Suppose that the member who sits for a nomination borough owes his seat to a man of virtue and honor, to a man whose service is perfect freedom, to a man who would think himself degraded by any proof of gratitude which might degrade his nominee. Yet is it nothing that such a member comes into this House wearing the badge, though not feeling the chain of servitude? Is it nothing that he cannot speak of his independence without exciting a smile? Is it nothing that he is considered, not as a Representative, but as an adventurer? This is what your system does for men of genius. It admits them to political power, not as, under better institutions, they would be admitted to power, erect, independent, unsullied; but by means which corrupt the virtue of many, and in some degree diminish the authority of all. Could any system be devised, better fitted to pervert the principles and break the spirit of men formed to be the glory of their country? And, can we mention no instance in which this system has made such men useless, or worse than useless, to the country of which their talents were the ornament, and might, in happier circumstances, have been the salvation? Ariel, the beautiful and kindly Ariel, doing the bidding of the loathsome and malignant Sycorax, is but a faint type of genius enslaved by the spells, and employed in the drudgery, of corruption—

‘A spirit too delicate

To act those earthy and abhorred commands.’

We cannot do a greater service to men of real merit than by destroying that which has been called their

refuge, which is their house of bondage; by taking from them the patronage of the great, and giving to them in its stead the respect and confidence of the people. The bill now before us will, I believe, produce that happy effect. It facilitates the canvass; it reduces the expense of legal agency; it shortens the poll; above all, it disfranchises the outvoters.¹ It is not easy to calculate the precise extent to which these changes will diminish the cost of elections. I have attempted, however, to obtain some information on this subject. I have applied to a gentleman of great experience in affairs of this kind, a gentleman who, at the last three general elections, managed the finances of the popular party in one of the largest boroughs in the kingdom. He tells me, that at the general election of 1826, when that borough was contested, the expenses of the popular candidate amounted to eighteen thousand pounds; and that, by the best estimate which can now be made, the borough may, under the reformed system, be as effectually contested for one tenth part of that sum. In the new constituent bodies there are no ancient rights reserved. In those bodies, therefore, the expense of an election will be still smaller. I firmly believe, that it will be possible to poll out Manchester for less than the market price of Old Sarum.

Sir, I have, from the beginning of these discussions, supported Reform on two grounds; first, because I believe it to be in itself a good thing; and secondly, because I think the dangers of withholding it so great that, even if it were an evil, it would be the less of two evils. The dangers of the country have in no wise diminished. I believe that they have greatly increased. It is, I fear, impossible to deny that what has happened with respect to almost every great question that ever divided mankind has happened also with respect to the Reform Bill. Wherever great

¹ [That is, non-resident freemen, whose travelling expenses, as the law then stood, could be borne by the candidate.]

interests are at stake there will be much excitement; and wherever there is much excitement there will be some extravagance. The same great stirring of the human mind which produced the Reformation produced also the follies and crimes of the Anabaptists. The same spirit which resisted the Ship-money, and abolished the Star-chamber, produced the Levellers and the Fifth Monarchy men. And so, it cannot be denied that bad men, availing themselves of the agitation produced by the question of Reform, have promulgated, and promulgated with some success, doctrines incompatible with the existence, I do not say of monarchy, or of aristocracy, but of all law, of all order, of all property, of all civilisation, of all that makes us to differ from Mohawks or Hottentots. I bring no accusation against that portion of the working classes which has been imposed upon by these doctrines. Those persons are what their situation has made them, ignorant from want of leisure, irritable from the sense of distress. That they should be deluded by impudent assertions and gross sophisms; that, suffering cruel privations, they should give ready credence to promises of relief; that, never having investigated the nature and operation of government, they should expect impossibilities from it, and should reproach it for not performing impossibilities; all this is perfectly natural. No errors which they may commit ought ever to make us forget that it is in all probability owing solely to the accident of our situation that we have not fallen into errors precisely similar. There are few of us who do not know from experience that, even with all our advantages of education, pain and sorrow can make us very querulous and very unreasonable. We ought not, therefore, to be surprised that, as the Scotch proverb says, 'it should be ill talking between a full man and a fasting;' that the logic of the rich man who vindicates the rights of property, should seem very

inconclusive to the poor man who hears his children cry for bread. I bring, I say, no accusation against the working classes. I would withhold from them nothing which it might be for their good to possess. I see with pleasure that, by the provisions of the Reform Bill, the most industrious and respectable of our labourers will be admitted to a share in the government of the State. If I would refuse to the working people that larger share of power which some of them have demanded, I would refuse it, because I am convinced that, by giving it, I should only increase their distress. I admit that the end of government is their happiness. But, that they may be governed for their happiness, they must not be governed according to the doctrines which they have learned from their illiterate, incapable, lowminded flatterers.

But, Sir, the fact that such doctrines have been promulgated among the multitude is a strong argument for a speedy and effectual reform. That government is attacked is a reason for making the foundations of government broader, and deeper, and more solid. That property is attacked is a reason for binding together all proprietors in the firmest union. That the agitation of the question of Reform has enabled worthless demagogues to propagate their notions with some success is a reason for speedily settling the question in the only way in which it can be settled. It is difficult, Sir, to conceive any spectacle more alarming than that which presents itself to us, when we look at the two extreme parties in this country; a narrow oligarchy above; an infuriated multitude below; on the one side the vices engendered by power; on the other side the vices engendered by distress; one party blindly averse to improvement; the other party blindly clamouring for destruction; one party ascribing to political abuses the sanctity of property; the other party crying out against property as a political abuse. Both these

parties are alike ignorant of their true interest. God forbid that the State should ever be at the mercy of either, or should ever experience the calamities which must result from a collision between them! I anticipate no such horrible event. For, between those two parties stands a third party, infinitely more powerful than both the others put together, attacked by both, vilified by both, but destined, I trust, to save both from the fatal effects of their own folly. To that party I have never ceased, through all the vicissitudes of public affairs, to look with confidence and with a good hope. I speak of that great party which zealously and steadily supported the first Reform Bill, and which will, I have no doubt, support the second Reform Bill with equal steadiness and equal zeal. That party is the middle class of England, with the flower of the aristocracy at its head, and the flower of the working classes bringing up its rear. That great party has taken its immovable stand between the enemies of all order and the enemies of all liberty. It will have Reform: it will not have revolution: it will destroy political abuses: it will not suffer the rights of property to be assailed: it will preserve, in spite of themselves, those who are assailing it, from the right and from the left, with contradictory accusations: it will be a daysman between them: it will lay its hand upon them both: it will not suffer them to tear each other in pieces. While that great party continues unbroken, as it now is unbroken, I shall not relinquish the hope that this great contest may be conducted, by lawful means, to a happy termination. But, of this I am assured, that by means, lawful or unlawful, to a termination, happy or unhappy, this contest must speedily come. All that I know of the history of past times, all the observations that I have been able to make on the present state of the country, have convinced me that the time has arrived when a great concession must be made to the democracy of England; that the

question, whether the change be in itself good or bad, has become a question of secondary importance; that, good or bad, the thing must be done; that a law as strong as the laws of attraction and motion has decreed it.

I well know that history, when we look at it in small portions, may be so construed as to mean anything, that it may be interpreted in as many ways as a Delphic oracle. 'The French Revolution,' says one expositor, 'was the effect of concession.' 'Not so,' cries another; 'the French Revolution was produced by the obstinacy of an arbitrary government.' 'If the French nobles,' says the first, 'had refused to sit with the Third Estate, they would never have been driven from their country.' 'They would never have been driven from their country,' answers the other, 'if they had agreed to the reforms proposed by M. Turgot.' These controversies can never be brought to any decisive test, or to any satisfactory conclusion. But, as I believe that history, when we look at it in small fragments, proves anything, or nothing, so I believe that it is full of useful and precious instruction when we contemplate it in large portions, when we take in, at one view, the whole lifetime of great societies. I believe that it is possible to obtain some insight into the law which regulates the growth of communities, and some knowledge of the effects which that growth produces. The history of England, in particular, is the history of a government constantly giving way, sometimes peaceably, sometimes after a violent struggle, but constantly giving way before a nation which has been constantly advancing. The forest laws, the laws of villenage, the oppressive power of the Roman Catholic Church, the power, scarcely less oppressive, which, during some time after the Reformation, was exercised by the Protestant Establishment, the prerogatives of the Crown, the censorship of the Press, successively yielded. The abuses of the

representative system are now yielding to the same irresistible force. It was impossible for the Stuarts, and it would have been impossible for them if they had possessed all the energy of Richelieu, and all the craft of Mazarin, to govern England as England had been governed by the Tudors. It was impossible for the princes of the House of Hanover to govern England as England had been governed by the Stuarts. And so it is impossible that England should be any longer governed as it was governed under the four first princes of the House of Hanover. I say impossible. I believe that over the great changes of the moral world we possess as little power as over the great changes of the physical world. We can no more prevent time from changing the distribution of property and of intelligence, we can no more prevent property and intelligence from aspiring to political power, than we can change the courses of the seasons and of the tides. In peace or in tumult, by means of old institutions, where those institutions are flexible, over the ruins of old institutions, where those institutions oppose an unbending resistance, the great march of society proceeds, and must proceed. The feeble efforts of individuals to bear back are lost and swept away in the mighty rush with which the species goes onward. Those who appear to lead the movement are, in fact, only whirled along before it; those who attempt to resist it, are beaten down and crushed beneath it.

It is because rulers do not pay sufficient attention to the stages of this great movement, because they underrate its force, because they are ignorant of its law, that so many violent and fearful revolutions have changed the face of society. We have heard it said a hundred times during these discussions, we have heard it said repeatedly in the course of this very debate, that the people of England are more free than ever they were, that the Government is more democratic than ever it was; and this is urged

as an argument against Reform. I admit the fact; but I deny the inference. It is a principle never to be forgotten, in discussions like this, that it is not by absolute, but by relative misgovernment that nations are roused to madness. It is not sufficient to look merely at the form of government. We must look also to the state of the public mind. The worst tyrant that ever had his neck wrung in modern Europe might have passed for a paragon of clemency in Persia or Morocco. Our Indian subjects submit patiently to a monopoly of salt. We tried a stamp duty, a duty so light as to be scarcely perceptible, on the fierce breed of the old Puritans; and we lost an empire. The Government of Lewis the Sixteenth was certainly a much better and milder Government than that of Lewis the Fourteenth; yet Lewis the Fourteenth was admired, and even loved, by his people. Lewis the Sixteenth died on the scaffold. Why? Because, though the Government had made many steps in the career of improvement, it had not advanced so rapidly as the nation. Look at our own history. The liberties of the people were at least as much respected by Charles the First as by Henry the Eighth, by James the Second as by Edward the Sixth. But did this save the crown of James the Second? Did this save the head of Charles the First? Every person who knows the history of our civil dissensions knows that all those arguments which are now employed by the opponents of the Reform Bill might have been employed, and were actually employed, by the unfortunate Stuarts. The reasoning of Charles, and of all his apologists, runs thus:—‘What new grievance does the nation suffer? What has the King done more than what Henry did? more than what Elizabeth did? Did the people ever enjoy more freedom than at present? Did they ever enjoy so much freedom?’ But what would a wise and honest counsellor, if Charles had been so happy as to possess such a counsellor, have replied to

arguments like these? He would have said, 'Sir, I acknowledge that the people were never more free than under your government. I acknowledge that those who talk of restoring the old Constitution of England use an improper expression. I acknowledge that there has been a constant improvement during those very years during which many persons imagine that there has been a constant deterioration. But, though there has been no change in the government for the worse, there has been a change in the public mind which produces exactly the same effect which would be produced by a change in the government for the worse. Perhaps this change in the public mind is to be regretted. But no matter; you cannot reverse it. You cannot undo all that eighty eventful years have done. You cannot transform the Englishmen of 1640 into the Englishmen of 1560. It may be that the simple loyalty of our fathers was preferable to that inquiring, censuring, resisting spirit which is now abroad. It may be that the times when men paid their benevolences cheerfully were better times than these, when a gentleman goes before the Exchequer Chamber to resist an assessment of twenty shillings. And so it may be that infancy is a happier time than manhood, and manhood than old age. But God has decreed that old age shall succeed to manhood, and manhood to infancy. Even so have societies their law of growth. As their strength becomes greater, as their experience becomes more extensive, you can no longer confine them within the swaddling bands, or lull them in the cradles, or amuse them with the rattles, or terrify them with the bugbears of their infancy. I do not say that they are better or happier than they were; but this I say, that they are different from what they were, that you cannot again make them what they were, and that you cannot safely treat them as if they continued to be what they were.' This was the advice which a wise and honest Minister would have

given to Charles the First. These were the principles on which that unhappy prince should have acted. But no. He would govern, I do not say ill, I do not say tyrannically; I say only this; he would govern the men of the seventeenth century as if they had been the men of the sixteenth century; and therefore it was, that all his talents and all his virtues did not save him from unpopularity, from civil war, from a prison, from a bar, from a scaffold. These things are written for our instruction. Another great intellectual revolution has taken place; our lot has been cast on a time analogous, in many respects, to the time which immediately preceded the meeting of the Long Parliament. There is a change in society. There must be a corresponding change in the government. We are not, we cannot, in the nature of things, be, what our fathers were. We are no more like the men of the American war, or the men of the gagging bills, than the men who cried 'privilege' round the coach of Charles the First, were like the men who changed their religion once a year at the bidding of Henry the Eighth. That there is such a change, I can no more doubt than I can doubt that we have more power looms, more steam engines, more gas lights, than our ancestors. That there is such a change, the Minister will surely find who shall attempt to fit the yoke of Mr. Pitt to the necks of the Englishmen of the nineteenth century. What then can you do to bring back those times when the constitution of this House was an object of veneration to the people? Even as much as Strafford and Laud could do to bring back the days of the Tudors; as much as Bonner and Gardiner could do to bring back the days of Hildebrand; as much as Villèle and Polignac could do to bring back the days of Lewis the Fourteenth. You may make the change tedious; you may make it violent; you may—God in his mercy forbid!—you may make it bloody; but avert it you cannot. Agitations of the public mind, so deep

and so long continued as those which we have witnessed, do not end in nothing. In peace or in convulsion, by the law, or in spite of the law, through the Parliament, or over the Parliament, Reform must be carried. Therefore be content to guide that movement which you cannot stop. Fling wide the gates to that force which else will enter through the breach. Then will it still be, as it has hitherto been, the peculiar glory of our Constitution that, though not exempt from the decay which is wrought by the vicissitudes of fortune, and the lapse of time, in all the proudest works of human power and wisdom, it yet contains within it the means of self-reparation. Then will England add to her manifold titles of glory this, the noblest and the purest of all; that every blessing which other nations have been forced to seek, and have too often sought in vain, by means of violent and bloody revolutions, she will have attained by a peaceful and a lawful Reform.

A Speech delivered in the House of Commons on the 27th of February, 1832

ON Monday, the twenty-seventh of February, 1832, the House took into consideration the report of the Committee on Mr. Warburton's Anatomy Bill. Mr. Henry Hunt¹ attacked that bill with great asperity. In reply to him the following Speech was made.

SIR, I cannot, even at this late hour of the night, refrain from saying two or three words. Most of the observations of the honorable Member for Preston I pass by, as undeserving of any answer before an audience like this. But on one part of his speech I must make a few remarks. We are, he says, making a law to benefit the rich, at the expense of the poor. Sir, the fact is the direct reverse. This is a bill which tends especially to the benefit of the poor. What are the evils against which we are attempting to make provision? Two especially; that is to say, the practice of Burking, and bad surgery. Now to both these the poor alone are exposed. What man, in our rank of life, runs the smallest risk of being Burked? That a man has property, that he has connections, that he is likely to be missed and sought for, are circumstances which secure him against the Burker. It is curious to observe the difference between murders of this kind and other murders. An ordinary murderer hides the body, and disposes of the property. Bishop and Williams dig holes and bury the property, and expose the body to sale. The more wretched, the more lonely, any human being may be, the more desirable prey is he to these wretches. It is the man, the mere naked man, that they pursue. Again, as to bad surgery; this is, of all evils, the evil by which the rich suffer least, and the poor most.

¹ [1773-1835, a sincere, extravagant and advertising Radical, now sitting for Preston.]

If we could do all that in the opinion of the Member for Preston ought to be done, if we could prevent disinterment, if we could prevent dissection, if we could destroy the English school of anatomy, if we could force every student of medical science to go to the expense of a foreign education, on whom would the bad consequences fall? On the rich? Not at all. As long as there is in France, in Italy, in Germany, a single surgeon of eminent skill, a single surgeon who is, to use the phrase of the Member for Preston, addicted to dissection, that surgeon will be in attendance whenever an English nobleman is to be cut for the stone. The higher orders in England will always be able to procure the best medical assistance. Who suffers by the bad state of the Russian school of surgery? The Emperor Nicholas? By no means. The whole evil falls on the peasantry. If the education of a surgeon should become very expensive, if the fees of surgeons should consequently rise, if the supply of regular surgeons should diminish, the sufferers would be, not the rich, but the poor in our country villages, who would again be left to mountebanks, and barbers, and old women, and charms and quack medicines. The honorable gentleman talks of sacrificing the interests of humanity to the interests of science, as if this were a question about the squaring of the circle, or the transit of Venus. This is not a mere question of science: it is not the unprofitable exercise of an ingenious mind: it is a question between health and sickness, between ease and torment, between life and death. Does the honorable gentleman know from what cruel sufferings the improvement of surgical science has rescued our species? I will tell him one story, the first that comes into my head. He may have heard of Leopold, Duke of Austria, the same who imprisoned our Richard Cœur-de-Lion. Leopold's horse fell under him, and crushed his leg. The surgeons said that the limb must be amputated.

but none of them knew how to amputate it. Leopold, in his agony, laid a hatchet on his thigh, and ordered his servant to strike with a mallet. The leg was cut off, and the Duke died of the gush of blood. Such was the end of that powerful prince. Why, there is not now a bricklayer who falls from a ladder in England, who cannot obtain surgical assistance, infinitely superior to that which the sovereign of Austria could command in the twelfth century. I think this a bill which tends to the good of the people, and which tends especially to the good of the poor. Therefore I support it. If it is unpopular, I am sorry for it. But I shall cheerfully take my share of its unpopularity. For such, I am convinced, ought to be the conduct of one whose object it is, not to flatter the people, but to serve them.

*A Speech delivered in a Committee of the
House of Commons on the 28th of
February, 1832*

ON Tuesday, the twenty-eighth of February, 1832, in the Committee on the Bill to amend the representation of the people in England and Wales, the question was put, 'That the 'Tower Hamlets, Middlesex, stand part of Schedule C.' The opponents of the Bill mustered their whole strength on this occasion, and were joined by some members who had voted with the Government on the second reading. The question was carried, however, by 316 votes to 236. The following Speech was made in reply to the Marquess of Chandos and Sir Edward Sugden, who, on very different grounds, objected to any increase in the number of metropolitan members.

MR. BERNAL,

I HAVE spoken so often on the question of Parliamentary Reform, that I am very unwilling to occupy the time of the Committee. But the importance of the amendment proposed by the noble Marquess, and the peculiar circumstances in which we are placed to-night, make me so anxious that I cannot remain silent.

In this debate, as in every other debate, our first object should be to ascertain on which side the burden of the proof lies. Now, it seems to me quite clear that the burden of the proof lies on those who support the amendment. I am entitled to take it for granted that it is right and wise to give representatives to some wealthy and populous places which have hitherto been unrepresented. To this extent, at least, we all, with scarcely an exception, now profess ourselves Reformers. There is, indeed, a great party which still objects to the disfranchising even of the smallest borough. But all the most distinguished chiefs of that party have, here and elsewhere, admitted that the elective franchise ought to be given to some great towns which have risen into

importance since our representative system took its present form. If this be so, on what ground can it be contended that these metropolitan districts ought not to be represented? Are they inferior in importance to the other places to which we are all prepared to give members? I use the word importance with perfect confidence: for, though in our recent debates there has been some dispute as to the standard by which the importance of towns is to be measured, there is no room for dispute here. Here, take what standard you will, the result will be the same. Take population: take the rental: take the number of ten pound houses: take the amount of the assessed taxes: take any test in short: take any number of tests, and combine those tests in any of the ingenious ways which men of science have suggested: multiply: divide: subtract: add: try squares or cubes: try square roots or cube roots: you will never be able to find a pretext for excluding these districts from Schedule C. If, then, it be acknowledged that the franchise ought to be given to important places which are at present unrepresented, and if it be acknowledged that these districts are in importance not inferior to any place which is at present unrepresented, you are bound to give us strong reasons for withholding the franchise from these districts.

The honorable and learned gentleman¹ has tried to give such reasons; and, in doing so, he has completely refuted the whole speech of the noble Marquess, with whom he means to divide.² The truth is that the noble Marquess and the honorable and learned gentleman, though they agree in their votes, do not at all agree in their forebodings or in their ulterior intentions. The honorable and learned gentleman thinks it dangerous to increase the number of metropolitan voters. The noble Lord is perfectly willing to increase the number of metropolitan voters, and objects only to any increase in the number

¹ Sir E. Sugden.

² The Marquess of Chandos.

of metropolitan members. 'Will you,' says the honorable and learned gentleman, be so rash, so insane, as to create constituent bodies of twenty or thirty thousand electors?' 'Yes,' says the noble Marquess, 'and much more than that. I will create constituent bodies of forty thousand, sixty thousand, a hundred thousand. I will add Marylebone to Westminster. I will add Lambeth to Southwark. I will add Finsbury and the Tower Hamlets to the City.' The noble Marquess, it is clear, is not afraid of the excitement which may be produced by the polling of immense multitudes. Of what then is he afraid? Simply of eight members: nay, of six members: for he is willing, he tells us, to add two members to the two who already sit for Middlesex, and who may be considered as metropolitan members. Are six members, then, so formidable? I could mention a single peer who now sends more than six members to the House. But, says the noble Marquess, the members for the metropolitan districts will be called to a strict account by their constituents: they will be mere delegates: they will be forced to speak, not their own sense, but the sense of the capital. I will answer for it, Sir, that they will not be called to a stricter account than those gentlemen who are nominated by some great proprietors of boroughs. Is it not notorious that those who represent it as in the highest degree pernicious and degrading that a public man should be called to account by a great city which has intrusted its dearest interests to his care, do nevertheless think that he is bound by the most sacred ties of honor to vote according to the wishes of his patron or to apply for the Chiltern Hundreds? It is a bad thing, I fully admit, that a Member of Parliament should be a mere delegate. But it is not worse that he should be the delegate of a hundred thousand people than of one too powerful individual. What a perverse, what an inconsistent spirit is this; too proud to bend to the wishes

of a nation, yet ready to lick the dust at the feet of a patron! And how is it proved that a member for Lambeth or Finsbury will be under a more servile awe of his constituents than a member for Leices^ter, or a member for Leicestershire, or a member for the University of Oxford? Is it not perfectly notorious that many members voted, year after year, against Catholic Emancipation, simply because they knew that, if they voted otherwise, they would lose their seats? No doubt this is an evil. But it is an evil which will exist in some form or other as long as human nature is the same, as long as there are men so lowminded as to prefer the gratification of a vulgar ambition to the approbation of their conscience and the welfare of their country. Construct your representative system as you will, these men will always be sycophants. If you give power to Marylebone, they will fawn on the householders of Marylebone. If you leave power to Gatton, they will fawn on the proprietor of Gatton. I can see no reason for believing that their baseness will be more mischievous in the former case than in the latter.

But, it is said, the power of this huge capital is even now dangerously great; and will you increase that power? Now, Sir, I am far from denying that the power of London is, in some sense, dangerously great; but I altogether deny that the danger will be increased by this bill. It has always been found that a hundred thousand people congregated close to the seat of government exercise a greater influence on public affairs than five hundred thousand dispersed over a remote province. But this influence is not proportioned to the number of representatives chosen by the capital. This influence is felt at present, though the greater part of the capital is unrepresented. This influence is felt in countries where there is no representative system at all. Indeed, this influence is nowhere so great as under despotic governments. I need not remind the Committee that

the Cæsars, while ruling by the sword, while putting to death without a trial every senator, every magistrate, who incurred their displeasure, yet found it necessary to keep the populace of the imperial city in good humour by distributions of corn and shows of wild beasts. Every country, from Britain to Egypt, was squeezed for the means of filling the granaries and adorning the theatres of Rome. On more than one occasion, long after the Cortes of Castile had become a mere name, the rabble of Madrid assembled before the royal palace, forced their King, their absolute King, to appear in the balcony, and exacted from him a promise that he would dismiss an obnoxious minister. It was in this way that Charles the Second was forced to part with Oropesa, and that Charles the Third was forced to part with Squillaci.¹ If there is any country in the world where pure despotism exists, that country is Turkey; and yet there is no country in the world where the inhabitants of the capital are so much dreaded by the Government. The Sultan, who stands in awe of nothing else, stands in awe of the turbulent populace, which may, at any moment, besiege him in his Seraglio. As soon as Constantinople is up, everything is conceded. The unpopular edict is recalled. The unpopular vizier is beheaded. This sort of power has nothing to do with representation. It depends on physical force and on vicinity. You do not propose to take this sort of power away from London. Indeed, you cannot take it away. Nothing can take it away but an earthquake more terrible than that of Lisbon, or a fire more destructive than that of 1666. Law can do nothing against this description of power; for it is a power which is formidable only when law has ceased to exist. While the reign of law continues, eight votes in a House of six hundred and fifty-eight Members will hardly do much harm. When

¹ [Spanish ministers: Oropesa fell in 1699. Squillaci in 1766.]

the reign of law is at an end, and the reign of violence commences, the importance of a million and a half of people, all collected within a walk of the Palace, of the Parliament House, of the Bank, of the Courts of Justice, will not be measured by eight or by eighty votes. See, then, what you are doing. That power which is not dangerous you refuse to London. That power which is dangerous you leave undiminished; nay, you make it more dangerous still. For by refusing to let eight or nine hundred thousand people express their opinions and wishes in a legal and constitutional way, you increase the risk of disaffection and of tumult. It is not necessary to have recourse to the speeches or writings of democrats to show that a represented district is far more likely to be turbulent than an unrepresented district. Mr. Burke, surely not a rash innovator, not a flatterer of the multitude, described long ago¹ in this place with admirable eloquence the effect produced by the law which gave representative institutions to the rebellious mountaineers of Wales. That law, he said, had been to an agitated nation what the twin stars celebrated by Horace were to a stormy sea: the wind had fallen; the clouds had dispersed; the threatening waves had sunk to rest. I have mentioned the commotions of Madrid and Constantinople. Why is it that the population of unrepresented London, though physically far more powerful than the population of Madrid or of Constantinople, has been far more peaceable? Why have we never seen the inhabitants of the metropolis besiege St. James's, or force their way riotously into this House? Why, but because they have other means of giving vent to their feelings, because they enjoy the liberty of unlicensed printing, and the liberty of holding public meetings. Just as the people of unrepresented London are more orderly than the people of Constantinople and Madrid, so will the people of represented London

¹ [Speech on Conciliation with America 1775.]

be more orderly than the people of unrepresented London.

Surely, Sir, nothing can be more absurd than to withhold legal power from a portion of the community because that portion of the community possesses natural power. Yet that is precisely what the noble Marquess would have us do. In all ages a chief cause of the intestine disorders of states has been that the natural distribution of power and the legal distribution of power have not corresponded with each other. This is no newly discovered truth. It was well known to Aristotle more than two thousand years ago. It is illustrated by every part of ancient and of modern history, and eminently by the history of England during the last few months. Our country has been in serious danger; and why? Because a representative system, framed to suit the England of the thirteenth century, did not suit the England of the nineteenth century; because an old wall, the last relique of a departed city, retained the privileges of that city, while great towns, celebrated all over the world for wealth and intelligence, had no more share in the government than when they were still hamlets. The object of this bill is to correct those monstrous disproportions, and to bring the legal order of society into something like harmony with the natural order. What, then, can be more inconsistent with the fundamental principle of the bill than to exclude any district from a share in the representation, for no reason but because that district is, and must always be, one of great importance. This bill was meant to reconcile and unite. Will you frame it in such a manner that it must inevitably produce irritation and discord? This bill was meant to be final in the only rational sense of the word final. Will you frame it in such a way that it must inevitably be shortlived? Is it to be the first business of the first reformed House of Commons to pass a new Reform Bill? Gentlemen opposite have often pre-

dicted that the settlement which we are making will not be permanent; and they are now taking the surest way to accomplish their own prediction. I agree with them in disliking change merely as change. I would bear with many things which are indefensible in theory, nay with some things which are grievous in practice, rather than venture on a change in the composition of Parliament. But when such a change is necessary,—and that such a change is now necessary is admitted by men of all parties,—then I hold that it ought to be full and effectual. A great crisis may be followed by the complete restoration of health. But no constitution will bear perpetual tampering. If the noble Marquess's amendment should unhappily be carried, it is morally certain that the immense population of Finsbury, of Marylebone, of Lambeth, of the Tower Hamlets, will, importunately and clamorously, demand redress from the reformed Parliament. That Parliament, you tell us, will be much more democratically inclined than the Parliaments of past times. If so, how can you expect that it will resist the urgent demands of a million of people close to its door? These eight seats will be given. More than eight seats will be given. The whole question of Reform will be opened again; and the blame will rest on those who will, by mutilating this great law in an essential part, cause hundreds of thousands who now regard it as a boon to regard it as an outrage.

Sir, our word is pledged. Let us remember the solemn promise which we gave to the nation last October at a perilous conjuncture. That promise was that we would stand firmly by the principles and leading provisions of the Reform Bill. Our sincerity is now brought to the test. One of the leading provisions of the bill is in danger. The question is, not merely whether these districts shall be represented, but whether we will keep the faith which we plighted to our countrymen. Let us be firm. Let us make no

concession to those who, having in vain tried to throw the bill out, are now trying to fritter it away. An attempt has been made to induce the Irish members to vote against the Government. It has been hinted that, perhaps, some of the seats taken from the metropolis may be given to Ireland. Our Irish friends will I doubt not, remember that the very persons who offer this bribe exerted themselves not long ago to raise a cry against the proposition to give additional members to Belfast, Limerick, Waterford, and Galway. The truth is that our enemies wish only to divide us, and care not by what means. One day they try to excite jealousy among the English by asserting that the plan of the government is too favourable to Ireland. Next day they try to bribe the Irish to desert us, by promising to give something to Ireland at the expense of England. Let us disappoint these cunning men. Let us, from whatever part of the United Kingdom we come, be true to each other and to the good cause. We have the confidence of our country. We have justly earned it. For God's sake let us not throw it away. Other occasions may arise on which honest Reformers may fairly take different sides. But to-night he that is not with us is against us.

A Speech delivered in the House of Commons on the 6th of February, 1833

ON the twenty-ninth of January, 1833, the first Parliament elected under the Reform Act of 1832 met at Westminster. On the fifth of February, King William the Fourth made a speech from the throne, in which he expressed his hope that the Houses would entrust him with such powers as might be necessary for maintaining order in Ireland and for preserving and strengthening the union between that country and Great Britain. An Address, assuring His Majesty of the concurrence and support of the Commons, was moved by Lord Ormelie and seconded by Mr. John Marshall. Mr. O'Connell opposed the Address, and moved, as an amendment, that the House should resolve itself into a Committee. After a discussion of four nights the amendment was rejected by 428 votes to 40. On the second night of the debate the following Speech was made.

LAST night, Sir, I thought that it would not be necessary for me to take any part in the present debate: but the appeal which has this evening been made to me by my honorable friend the Member for Lincoln¹ has forced me to rise. I will, however, postpone the few words which I have to say in defence of my own consistency, till I have expressed my opinion on the much more important subject which is before the House.

My honorable friend tells us that we are now called upon to make a choice between two modes of pacifying Ireland; that the Government recommends coercion; that the honorable and learned member for Dublin² recommends redress; and that it is our duty to try the effect of redress before we have recourse to coercion. The antithesis is framed with all the ingenuity which is characteristic of my honorable friend's style; but I cannot help thinking that, on this occasion, his ingenuity has imposed on himself, and that he has not sufficiently considered the meaning of the pointed phrase which he used

¹ Mr. Edward Lytton Bulwer.

² Mr. O'Connell.

with so much effect. Redress is no doubt a very well sounding word. What can be more reasonable than to ask for redress? What more unjust than to refuse redress? But my honorable friend will perceive, on reflection, that, though he and the honorable and learned Member for Dublin agree in pronouncing the word redress, they agree in nothing else. They utter the same sound; but they attach to it two diametrically opposite meanings. The honorable and learned Member for Dublin means by redress simply the Repeal of the Union. Now, to the Repeal of the Union my honorable friend the Member for Lincoln is decidedly adverse. When we get at his real meaning, we find that he is just as unwilling as we are to give the redress which the honorable and learned Member for Dublin demands. Only a small minority of the House will, I hope and believe, vote with that honorable and learned member; but the minority which thinks with him will be very much smaller.

We have, indeed, been told by some gentlemen, who are not themselves repealers, that the question of Repeal deserves a much more serious consideration than it has yet received. Repeal, they say, is an object on which millions have, however unwisely, set their hearts: and men who speak in the name of millions are not to be coughed down or sneered down. That which a suffering nation regards, rightly or wrongly, as the sole cure for all its distempers, ought not to be treated with levity, but to be the subject of full and solemn debate. All this, Sir, is most true: but I am surprised that this lecture should have been read to us who sit on your right. It would, I apprehend, have been with more propriety addressed to a different quarter. Whose fault is it that we have not yet had, and that there is no prospect of our having, this full and solemn debate? Is it the fault of His Majesty's Ministers? Have not they framed the Speech which their Royal Master delivered from the throne, in such a manner as to

invite the grave and searching discussion of the question of Repeal? And has not the invitation been declined? Is it not fresh in our recollection that the honorable and learned member for Dublin spoke two hours, perhaps three hours,—nobody keeps accurate account of time while he speaks,—but two or three hours without venturing to join issue with us on this subject? In truth, he suffered judgment to go against him by default. We, on this side of the House, did our best to provoke him to the conflict. We called on him to maintain here those doctrines which he had proclaimed elsewhere with so much vehemence, and, I am sorry to be forced to add, with a scurrility unworthy of his parts and eloquence. Never was a challenge more fairly given: but it was not accepted. The great champion of Repeal would not lift our glove. He shrank back; he skulked away; not, assuredly, from distrust of his powers, which have never been more vigorously exerted than in this debate, but evidently from distrust of his cause. I have seldom heard so able a speech as his: I certainly never heard a speech so evasive. From the beginning to the end he studiously avoided saying a single word tending to raise a discussion about that Repeal which, in other places, he constantly affirms to be the sole panacea for all the evils by which his country is afflicted. Nor is this all. Yesterday night he placed on our order book not less than fourteen notices; and of those notices not a single one had any reference to the Union between Great Britain and Ireland. It is therefore evident to me, not only that the honorable and learned gentleman is not now prepared to debate the question in this House, but that he has no intention of debating it in this House at all. He keeps it, and prudently keeps it, for audiences of a very different kind. I am therefore, I repeat, surprised to hear the Government accused of avoiding the discussion of this subject. Why should we avoid a battle in which the

bold and skilful captain of the enemy evidently knows that we must be victorious?

One gentleman, though not a repealer, has begged us not to declare ourselves decidedly adverse to repeal till we have studied the petitions which are coming in from Ireland. Really, Sir, this is not a subject on which any public man ought to be now making up his mind. My mind is made up. My reasons are such as, I am certain, no petition from Ireland will confute. Those reasons have long been ready to be produced; and, since we are accused of flinching, I will at once produce them. I am prepared to show that the Repeal of the Union would not remove the political and social evils which afflict Ireland, nay, that it would aggravate almost every one of those evils.

I understand, though I do not approve, the proceedings of poor Wolfe Tone and his confederates. They wished to make a complete separation between Great Britain and Ireland. They wished to establish a Hibernian republic. Their plan was a very bad one; but, to do them justice, it was perfectly consistent; and an ingenious man might defend it by some plausible arguments. But that is not the plan of the honorable and learned Member for Dublin. He assures us that he wishes the connection between the islands to be perpetual. He is for a complete separation between the two Parliaments; but he is for indissoluble union between the two Crowns. Nor does the honorable and learned gentleman mean, by an union between the Crowns, such an union as exists between the Crown of this kingdom and the Crown of Hanover. For I need not say that, though the same person is king of Great Britain and of Hanover, there is no more political connection between Great Britain and Hanover than between Great Britain and Hesse or between Great Britain and Bavaria. Hanover may be at peace with a state with which Great Britain is at war. Nay, Hanover may,

as a member of the Germanic body, send a contingent of troops to cross bayonets with the King's English footguards. This is not the relation in which the honorable and learned gentleman proposes that Great Britain and Ireland should stand to each other. His plan is, that each of the two countries shall have an independent legislature, but that both shall have the same executive government. Now, is it possible that a mind so acute and so well informed as his should not at once perceive that this plan involves an absurdity, a downright contradiction? Two independent legislatures! One executive government! How can the thing be? No doubt, if the legislative power were quite distinct from the executive power, England and Ireland might as easily have two legislatures as two Chancellors and two Courts of King's Bench. But though, in books written by theorists, the executive power and the legislative power may be treated as things quite distinct, every man acquainted with the real working of our constitution knows that the two powers are most closely connected, nay, intermingled with each other. During several generations, the whole administration of affairs has been conducted in conformity with the sense of Parliament. About every exercise of the prerogative of the Crown it is the privilege of Parliament to offer advice; and that advice no wise king will ever slight. It is the prerogative of the Sovereign to choose his own servants; but it is impossible for him to maintain them in office unless Parliament will support them. It is the prerogative of the Sovereign to treat with other princes; but it is impossible for him to persist in any scheme of foreign policy which is disagreeable to Parliament. It is the prerogative of the Sovereign to make war; but he cannot raise a battalion or man a frigate without the help of Parliament. The repealers may therefore be refuted out of their own mouths. They say that Great Britain and Ireland ought to have one executive power. But the

legislature has a most important share of the executive power. Therefore, by the confession of the repealers themselves, Great Britain and Ireland ought to have one legislature.

Consider for one moment in what a situation the executive government will be placed if you have two independent legislatures, and if those legislatures should differ, as all bodies which are independent of each other will sometimes differ. Suppose the case of a commercial treaty which is unpopular in England and popular in Ireland. The Irish Parliament expresses its approbation of the terms, and passes a vote of thanks to the negotiator. We at Westminster censure the terms and impeach the negotiator. Or are we to have two foreign offices, one in Downing Street and one in Dublin Castle? Is His Majesty to send to every court in Christendom two diplomatic agents, to thwart each other and to be spies upon each other? It is inconceivable but that, in a very few years, disputes such as can be terminated only by arms must arise between communities so absurdly united and so absurdly disunited. All history confirms this reasoning. Superficial observers have fancied that they had found cases on the other side. But as soon as you examine those cases you will see either that they bear no analogy to the case with which we have to deal, or that they corroborate my argument. The case of Ireland herself has been cited. Ireland, it has been said, had an independent legislature from 1782 to 1800: during eighteen years there were two coequal parliaments under one Crown; and yet there was no collision. Sir, the reason that there was not perpetual collision was, as we all know, that the Irish parliament, though nominally independent, was generally kept in real dependence by means of the foulest corruption that ever existed in any assembly. But it is not true that there was no collision. Before the Irish legislature had been six years independent, a collision did take place, a collision such

as might well have produced a civil war. In the year 1788, George the Third was incapacitated by illness from discharging his regal functions. According to the constitution, the duty of making provision for the discharge of those functions devolved on the Parliaments of Great Britain and Ireland. Between the government of Great Britain and the government of Ireland there was, during the interregnum, no connection whatever. The sovereign who was the common head of both governments had virtually ceased to exist: and the two legislatures were no more to each other than this House and the Chamber of Deputies at Paris. What followed? The Parliament of Great Britain resolved to offer the regency to the Prince of Wales under many important restrictions. The Parliament of Ireland made him an offer of the Regency without any restrictions whatever. By the same right by which the Irish Lords and Commons made that offer, they might, if Mr. Pitt's doctrine be the constitutional doctrine, as I believe it to be, have made the Duke of York or the Duke of Leinster Regent. To this Regent they might have given all the prerogatives of the King. Suppose,—no extravagant supposition,—that George the Third had not recovered, that the rest of his long life had been passed in seclusion, Great Britain and Ireland would then have been, during thirty-two years, as completely separated as Great Britain and Spain. There would have been nothing in common between the governments, neither executive power nor legislative power. It is plain, therefore, that a total separation between the two islands might, in the natural course of things, and without the smallest violation of the constitution on either side, be the effect of the arrangement recommended by the honorable and learned gentleman, who solemnly declares that he should consider such a separation as the greatest of calamities.

No doubt, Sir, in several continental kingdoms there have been two legislatures, and indeed more

than two legislatures, under the same Crown. But the explanation is simple. Those legislatures were of no real weight in the government. Under Lewis the Fourteenth Brittany had its States; Burgundy had its States; and yet there was no collision between the States of Brittany and the States of Burgundy. But why? Because neither the States of Brittany nor the States of Burgundy imposed any real restraint on the arbitrary power of the monarch. So, in the dominions of the House of Hapsburg, there is the semblance of a legislature in Hungary and the semblance of a legislature in the Tyrol: but all the real power is with the Emperor. I do not say that you cannot have one executive power and two mock parliaments, two parliaments which merely transact parish business, two parliaments which exercise no more influence on great affairs of state than the vestry of St. Pancras or the vestry of Marylebone. What I do say, and what common sense teaches, and what all history teaches, is this, that you cannot have one executive power and two real parliaments, two parliaments possessing such powers as the parliament of this country has possessed ever since the Revolution, two parliaments to the deliberate sense of which the Sovereign must conform. If they differ, how can he conform to the sense of both? The thing is as plain as a proposition in Euclid.

It is impossible for me to believe that considerations so obvious and so important should not have occurred to the honorable and learned Member for Dublin. Doubtless they have occurred to him; and therefore it is that he shrinks from arguing the question here. Nay, even when he harangues more credulous assemblies on this subject, he carefully avoids precise explanations; and the hints which sometimes escape him are not easily to be reconciled with each other. On one occasion, if the newspapers are to be trusted, he declared that his object was to establish a federal union between Great Britain and Ireland.

A local parliament, it seems, is to sit at Dublin, and to send deputies to an imperial parliament which is to sit at Westminster. The honorable and learned gentleman thinks, I suppose, that in this way he evades the difficulties which I have pointed out. But he deceives himself. If, indeed, his local legislature is to be subject to his imperial legislature, if his local legislature is to be merely what the Assembly of Antigua or Barbadoes is, or what the Irish Parliament was before 1782, the danger of collision is no doubt removed: but what, on the honorable and learned gentleman's own principles, would Ireland gain by such an arrangement? If, on the other hand, his local legislature is to be for certain purposes independent, you have again the risk of collision. Suppose that a difference of opinion should arise between the Imperial Parliament and the Irish Parliament as to the limits of their powers, who is to decide between them? A dispute between the House of Commons and the House of Lords is bad enough. Yet in that case the Sovereign can, by a high exercise of his prerogative, produce harmony. He can send us back to our constituents; and, if that expedient fails, he can create more lords. When, in 1705, the dispute between the Houses about the Aylesbury men ran high, Queen Anne restored concord by dismissing the Parliament. Seven years later she put an end to another conflict between the Houses by making twelve peers in one day. But who is to arbitrate between two representative bodies chosen by different constituent bodies? Look at what is now passing in America. Of all federal constitutions that of the United States is the best. It was framed by a convention which contained many wise and experienced men, and over which Washington presided. Yet there is a debatable ground on the frontier which separates the functions of Congress from those of the state legislatures. A dispute as to the exact boundary has lately arisen. Neither party seems disposed to

yield: and, if both persist, there can be no umpire but the sword.

For my part, Sir, I have no hesitation in saying that I should very greatly prefer the total separation which the honorable and learned gentleman professes to consider as a calamity, to the partial separation which he has taught his countrymen to regard as a blessing. If, on a fair trial, it be found that Great Britain and Ireland cannot exist happily together as parts of one empire, in God's name let them separate. I wish to see them joined as the limbs of a well formed body are joined. In such a body the members assist each other: they are nourished by the same food: if one member suffer, all suffer with it: if one member rejoice, all rejoice with it. But I do not wish to see the countries united, like those wretched twins from Siam who were exhibited here a little while ago, by an unnatural ligament which made each the constant plague of the other, always in each other's way, more helpless than others because they had twice as many hands, slower than others because they had twice as many legs, sympathising with each other only in evil, not feeling each other's pleasures, not supported by each other's aliment, but tormented by each other's infirmities, and certain to perish miserably by each other's dissolution.

Ireland has undoubtedly just causes of complaint. We heard those causes recapitulated last night by the honorable and learned Member, who tells us that he represents not Dublin alone, but Ireland, and that he stands between his country and civil war. I do not deny that most of the grievances which he recounted exist, that they are serious, and that they ought to be remedied as far as it is in the power of legislation to remedy them. What I do deny is that they were caused by the Union, and that the Repeal of the Union would remove them. I listened attentively while the honorable and learned gentleman went through that long and melancholy list: and I

am confident that he did not mention a single evil which was not a subject of bitter complaint while Ireland had a domestic parliament. Is it fair, is it reasonable in the honorable gentleman to impute to the Union evils which, as he knows better than any other man in this house, existed long before the Union? *Post hoc: ergo, propter hoc* is not always sound reasoning. But *ante hoc: ergo, non propter hoc* is unanswerable. The old rustic who told Sir Thomas More that Tenterden steeple was the cause of Godwin sands reasoned much better than the honorable and learned gentleman. For it was not till after Tenterden steeple was built that the frightful wrecks on the Godwin sands were heard of. But the honorable and learned gentleman would make Godwin sands the cause of Tenterden steeple. Some of the Irish grievances which he ascribes to the Union are not only older than the Union, but are not peculiarly Irish. They are common to England, Scotland, and Ireland; and it was in order to get rid of them that we, for the common benefit of England, Scotland, and Ireland, passed the Reform Bill last year. Other grievances which the honorable and learned gentleman mentioned are doubtless local: but is there to be a local legislature wherever there is a local grievance? Wales has had local grievances. We all remember the complaints which were made a few years ago about the Welsh judicial system; but did any body therefore propose that Wales should have a distinct parliament? Cornwall has some local grievances; but does any body propose that Cornwall shall have its own House of Lords and its own House of Commons? Leeds has local grievances. The majority of my constituents distrust and dislike the municipal government to which they are subject; they therefore call loudly on us for corporation reform: but they do not ask us for a separate legislature. Of this I am quite sure, that every argument which has been urged for the purpose of showing that Great

Britain and Ireland ought to have two distinct parliaments may be urged with far greater force for the purpose of showing that the north of Ireland and the south of Ireland ought to have two distinct parliaments. The House of Commons of the United Kingdom, it has been said, is chiefly elected by Protestants, and therefore cannot be trusted to legislate for Catholic Ireland. If this be so, how can an Irish House of Commons, chiefly elected by Catholics, be trusted to legislate for Protestant Ulster? It is perfectly notorious that theological antipathies are stronger in Ireland than here. I appeal to the honorable and learned gentleman himself. He has often declared that it is impossible for a Roman Catholic, whether prosecutor or culprit, to obtain justice from a jury of Orangemen. It is indeed certain that, in blood, religion, language, habits, character, the population of some of the northern counties of Ireland has much more in common with the population of England and Scotland than with the population of Munster and Connaught. I defy the honorable and learned Member, therefore, to find a reason for having a parliament at Dublin which will not be just as good a reason for having another parliament at Londonderry.

Sir, in showing, as I think I have shown, the absurdity of this cry for Repeal, I have in a great measure vindicated myself from the charge of inconsistency which has been brought against me by my honorable friend the Member for Lincoln. It is very easy to bring a volume of Hansard to the House, to read a few sentences of a speech made in very different circumstances, and to say, 'Last year you were for pacifying England by concession: this year you are for pacifying Ireland by coercion. How can you vindicate your consistency?' Surely my honorable friend cannot but know that nothing is easier than to write a theme for severity, for clemency, for order, for liberty, for a contemplative life, for an active life,

and so on. It was a common exercise in the ancient schools of rhetoric to take an abstract question, and to harangue first on one side and then on the other. The question, Ought popular discontents to be quieted by concession or coercion? would have been a very good subject for oratory of this kind. There is no lack of commonplaces on either side. But when we come to the real business of life, the value of these commonplaces depends entirely on the particular circumstances of the case which we are discussing. Nothing is easier than to write a treatise proving that it is lawful to resist extreme tyranny. Nothing is easier than to write a treatise setting forth the wickedness of wantonly bringing on a great society the miseries inseparable from revolution, the bloodshed, the spoliation, the anarchy. Both treatises may contain much that is true; but neither will enable us to decide whether a particular insurrection is or is not justifiable without a close examination of the facts. There is surely no inconsistency in speaking with respect of the memory of Lord Russell and with horror of the crime of Thistlewood;¹ and, in my opinion, the conduct of Russell and the conduct of Thistlewood did not differ more widely than the cry for Parliamentary Reform and the cry for the Repeal of the Union. The Reform Bill I believe to be a blessing to the nation. Repeal I know to be a mere delusion. I know it to be impracticable: and I know that, if it were practicable, it would be pernicious to every part of the empire, and utterly ruinous to Ireland. Is it not then absurd to say that, because I wished last year to quiet the English people by giving them that which was beneficial to them, I am therefore bound in consistency to quiet the Irish people this year by giving them that which will be fatal to them? I utterly deny, too, that, in consenting to arm the government with extraordinary powers for the purpose of repressing disturbances in Ireland, I am

¹ [The Whig martyr of 1683, and the conspirator of 1820.]

guilty of the smallest inconsistency. On what occasion did I ever refuse to support any government in repressing disturbances? It is perfectly true that, in the debates on the Reform Bill, I imputed the tumults and outrages of 1830 to misrule. But did I ever say that those tumults and outrages ought to be tolerated? I did attribute the Kentish riots, the Hampshire riots, the burning of corn stacks, the destruction of threshing machines, to the obstinacy with which the Ministers of the Crown had refused to listen to the demands of the people. But did I ever say that the rioters ought not to be imprisoned, that the incendiaries ought not to be hanged? I did ascribe the disorders of Nottingham and the fearful sacking of Bristol to the unwise rejection of the Reform Bill by the Lords. But did I ever say that such excesses as were committed at Nottingham and Bristol ought not to be put down, if necessary, by the sword?

I would act towards Ireland on the same principles on which I acted towards England. In Ireland, as in England, I would remove every just cause of complaint; and in Ireland, as in England, I would support the Government in preserving the public peace. What is there inconsistent in this? My honorable friend seems to think that no person who believes that disturbances have been caused by maladministration can consistently lend his help to put down those disturbances. If that be so, the honorable and learned Member for Dublin is quite as inconsistent as I am; indeed, much more so; for he thinks very much worse of the Government than I do; and yet he declares himself willing to assist the Government in quelling the tumults which, as he assures us, its own misconduct is likely to produce. He told us yesterday that our harsh policy might perhaps goad the unthinking populace of Ireland into insurrection; and he added that, if there should be an insurrection, he should, while execrating us as the authors of all

the mischief, be found in our ranks, and should be ready to support us in everything that might be necessary for the restoration of order. As to this part of the subject, there is no difference in principle between the honorable and learned gentleman and myself. In his opinion, it is probable that a time may soon come when vigorous coercion may be necessary, and when it may be the duty of every friend of Ireland to cooperate in the work of coercion. In my opinion, that time has already come. The grievances of Ireland are doubtless great, so great that I never would have connected myself with a Government which I did not believe to be intent on redressing those grievances. But am I, because the grievances of Ireland are great, and ought to be redressed, to abstain from redressing the worst grievance of all? Am I to look on quietly while the laws are insulted by a furious rabble, while houses are plundered and burned, while my peaceable fellow subjects are butchered? The distribution of Church property, you tell us, is unjust. Perhaps I agree with you. But what then? To what purpose is it to talk about the distribution of Church property, while no property is secure? Then you try to deter us from putting down robbery, arson, and murder, by telling us that if we resort to coercion we shall raise a civil war. We are past that fear. Recollect that, in one county alone, there have been within a few weeks sixty murders or assaults with intent to murder, and six hundred burglaries. Since we parted last summer, the slaughter in Ireland has exceeded the slaughter of a pitched battle: the destruction of property has been as great as would have been caused by the storming of three or four towns. Civil war, indeed! I would rather live in the midst of any civil war that we have had in England during the last two hundred years than in some parts of Ireland at the present moment. Rather, much rather, would I have lived on the line of march of the Pretender's army in 1745

than in Tipperary now. It is idle to threaten us with civil war; for we have it already; and it is because we are resolved to put an end to it that we are called base, and brutal, and bloody. Such are the epithets which the honorable and learned Member for Dublin thinks it becoming to pour forth against the party to which he owes every political privilege that he enjoys. He need not fear that any member of that party will be provoked into a conflict of scurrility. Use makes even sensitive minds callous to invective: and, copious as his vocabulary is, he will not easily find in it any foul name which has not been many times applied to those who sit around me, on account of the zeal and steadiness with which they supported the emancipation of the Roman Catholics. His reproaches are not more stinging than the reproaches which, in times not very remote, we endured unflinchingly in his cause. I can assure him that men who faced the cry of No Popery are not likely to be scared by the cry of Repeal. The time will come when history will do justice to the Whigs of England, and will faithfully relate how much they did and suffered for Ireland; how, for the sake of Ireland, they quitted office in 1807; how, for the sake of Ireland, they remained out of office more than twenty years, braving the frowns of the Court, braving the hisses of the multitude, renouncing power, and patronage, and salaries, and peerages, and garters, and yet not obtaining in return even a little fleeting popularity. I see on the benches near me men who might, by uttering one word against Catholic Emancipation, nay, by merely abstaining from uttering a word in favour of Catholic Emancipation, have been returned to this house without difficulty or expense, and who, rather than wrong their Irish fellow subjects, were content to relinquish all the objects of their honorable ambition, and to retire into private life with conscience and fame untarnished. As to one eminent person, who seems to be regarded with

especial malevolence by those who ought never to mention his name without reverence and gratitude, I will say only this; that the loudest clamour which the honorable and learned gentleman can excite against Lord Grey will be trifling when compared with the clamour which Lord Grey withstood in order to place the honorable and learned gentleman where he now sits. Though a young member of the Whig party, I will venture to speak in the name of the whole body. I tell the honorable and learned gentleman, that the same spirit which sustained us in a just contest for him will sustain us in an equally just contest against him. Calumny, abuse, royal displeasure, popular fury, exclusion from office, exclusion from Parliament, we were ready to endure them all, rather than that he should be less than a British subject. We never will suffer him to be more.

I stand here, Sir, for the first time as the representative of a new constituent body, one of the largest, most prosperous, and most enlightened towns in the kingdom. The electors of Leeds, believing that at this time the service of the people is not incompatible with the service of the Crown, have sent me to this house charged, in the language of His Majesty's writ, to do and consent, in their name and in their behalf, to such things as shall be proposed in the great Council of the nation. In the name, then, and on the behalf of my constituents, I give my full assent to that part of the Address wherein the House declares its resolution to maintain inviolate, by the help of God, the connection between Great Britain and Ireland, and to intrust to the Sovereign such powers as shall be necessary to secure property, to restore order, and to preserve the integrity of the empire.

A Speech delivered in the House of Commons on the 10th of July, 1833

ON Wednesday, the tenth of July, 1833, Mr. Charles Grant, President of the Board of Control, moved that the Bill for effecting an arrangement with the India Company, and for the better government of His Majesty's Indian territories, should be read a second time. The motion was carried without a division, but not without a long debate, in the course of which the following Speech was made.

HAVING, while this bill was in preparation, enjoyed the fullest and kindest confidence of my right honorable friend, the President of the Board of Control, agreeing with him completely in all those views which on a former occasion he so luminously and eloquently developed, having shared his anxieties, and feeling that in some degree I share his responsibility, I am naturally desirous to obtain the attention of the House while I attempt to defend the principles of the proposed arrangement. I wish that I could promise to be very brief; but the subject is so extensive that I will only promise to condense what I have to say as much as I can.

I rejoice, Sir, that I am completely dispensed, by the turn which our debates have taken, from the necessity of saying anything in favour of one part of our plan, the opening of the China trade. No voice, I believe, has yet been raised here in support of the monopoly. On that subject all public men of all parties seem to be agreed. The resolution proposed by the Ministers has received the unanimous assent of both Houses, and the approbation of the whole kingdom. I will not, therefore, Sir, detain you by vindicating what no gentleman has yet ventured to attack, but will proceed to call your attention to those effects which this great commercial revolution necessarily produced on the system of Indian government and finance.

The China trade is to be opened. Reason requires this. Public opinion requires it. The Government of the Duke of Wellington felt the necessity as strongly as the Government of Lord Grey.^{*} No Minister, Whig or Tory, could have been found to propose a renewal of the monopoly. No parliament, reformed or unreformed, would have listened to such a proposition. But though the opening of the trade was a matter concerning which the public had long made up its mind, the political consequences which must necessarily follow from the opening of the trade seem to me to be even now little understood. The language which I have heard in almost every circle where the subject was discussed was this: 'Take away the monopoly, and leave the government of India to the Company:' a very short and convenient way of settling one of the most complicated questions that ever a legislature had to consider. The honorable Member for Sheffield,[†] though not disposed to retain the Company as an organ of government, has repeatedly used language which proves that he shares in the general misconception. The fact is that the abolition of the monopoly rendered it absolutely necessary to make a fundamental change in the constitution of that great Corporation.

The Company had united in itself two characters, the character of trader and the character of sovereign. Between the trader and the sovereign there was a long and complicated account, almost every item of which furnished matter for litigation. While the monopoly continued, indeed, litigation was averted. The effect of the monopoly was, to satisfy the claims both of commerce and of territory, at the expense of a third party, the English people; to secure at once funds for the dividend of the stockholder and funds for the government of the Indian Empire, by means of a heavy tax on the tea consumed in this country. But, when the third party would no longer bear this

[†] Mr. Buckingham.

charge, all the great financial questions which had, at the cost of that third party, been kept in abeyance, were opened in an instant. The connection between the Company in its mercantile capacity, and the same Company in its political capacity, was dissolved. Even if the Company were permitted, as has been suggested, to govern India and at the same time to trade with China, no advances would be made from the profits of its Chinese trade for the support of its Indian government. It was in consideration of the exclusive privilege that the Company had hitherto been required to make those advances; it was by the exclusive privilege that the Company had been enabled to make them. When that privilege was taken away, it would be unreasonable in the Legislature to impose such an obligation, and impossible for the Company to fulfil it. The whole system of loans from commerce to territory, and repayments from territory to commerce, must cease. Each party must rest altogether on its own resources. It was therefore absolutely necessary to ascertain what resources each party possessed, to bring the long and intricate account between them to a close, and to assign to each a fair portion of assets and liabilities. There was vast property. How much of that property was applicable to purposes of state? How much was applicable to a dividend? There were debts to the amount of many millions. Which of these were the debts of the government that ruled at Calcutta? Which of the great mercantile house that bought tea at Canton? Were the creditors to look to the land revenues of India for their money? Or were they entitled to put executions into the warehouses behind Bishopsgate Street?

There were two ways of settling these questions; adjudication and compromise. The difficulties of adjudication were great; I think insuperable. Whatever acuteness and diligence could do has been done. One person in particular, whose talents and indus-

try peculiarly fitted him for such investigations, and of whom I can never think without regret, Mr. Hyde Villiers,¹ devoted himself to the examination with an ardour and a perseverance which, I believe, shortened a life most valuable to his country and to his friends. The assistance of the most skilful accountants has been called in. But the difficulties are such as no accountant, however skilful, could possibly remove. The difficulties are not arithmetical, but political. They arise from the constitution of the Company, from the long and intimate union of the commercial and imperial characters in one body. Suppose that the treasurer of a charity were to mix up the money which he receives on account of the charity with his own private rents and dividends, to pay the whole into his bank to his own private account, to draw it out again by cheques in exactly the same form when he wanted it for his private expenses, and when he wanted it for the purposes of his public trust. Suppose that he were to continue to act thus till he was himself ignorant whether he were in advance or in arrear; and suppose that many years after his death a question were to arise whether his estate were in debt to the charity or the charity in debt to his estate. Such is the question which is now before us, with this important difference; that the accounts of an individual could not be in such a state unless he had been guilty of fraud, or of that gross negligence which is scarcely less culpable than fraud, and that the accounts of the Company were brought into this state by circumstances of a very peculiar kind, by circumstances unparalleled in the history of the world.

It is a mistake to suppose that the Company was a merely commercial body till the middle of the last century. Commerce was its chief object; but in order to enable it to pursue that object, it had been,

¹ [1801-32, a Cambridge friend of Macaulay's, became in 1832 Secretary to the Board of Control (India).]

like the other Companies which were its rivals, like the Dutch India Company, like the French India Company, invested from a very early period with political functions. More than a hundred and twenty years ago, the Company was in miniature precisely what it now is. It was intrusted with the very highest prerogatives of sovereignty. It had its forts, and its white captains, and its black sepoys; it had its civil and criminal tribunals; it was authorised to proclaim martial law; it sent ambassadors to the native governments and concluded treaties with them; it was Zemindar of several districts, and within those districts, like other Zemindars of the first class, it exercised the powers of a sovereign, even to the infliction of capital punishment on the Hindoos within its jurisdiction. It is incorrect, therefore, to say, that the Company was at first a mere trader, and has since become a sovereign. It was at first a great trader and a petty prince. The political functions at first attracted little notice, because they were merely auxiliary to the commercial functions. By degrees, however, the political functions became more and more important. The Zemindar became a great nabob, became sovereign of all India; the two hundred sepoys became two hundred thousand. This change was gradually wrought, and was not immediately comprehended. It was natural that, while the political functions of the Company were merely auxiliary to its commerce, the political accounts should have been mixed up with the commercial accounts. It was equally natural that this mode of keeping accounts, having once been established, should have remained unaltered; and the more so, as the change in the situation of the Company, though rapid, was not sudden. It is impossible to name any one day, or any one year, as the day or the year when the Company became a great potentate. It has been the fashion indeed to fix on the year 1765, the year in which the Mogul issued a commission authorising

the Company to administer the revenues of Bengal, Bihar, and Orissa, as the precise date of the accession of this singular body to sovereignty. I am utterly at a loss to understand why this epoch should be selected. Long before 1765 the Company had the reality of political power. Long before that year, they made a nabob of Arcot; they made and unmade nabobs of Bengal; they humbled the Vizier of Oude; they braved the Emperor of Hindostan himself; more than half the revenues of Bengal were under one pretence or another administered by them. And after the grant, the Company was not, in form and name, an independent power. It was merely a minister of the Court of Delhi. Its coinage bore the name of Shah Alum. The inscription which, down to the time of the Marquess of Hastings, appeared on the seal of the Governor General, declared that great functionary to be the slave of the Mogul. Even to this day we have never formally deposed the king of Delhi. The Company contents itself with being Mayor of the Palace, while the *Roi Fainéant* is suffered to play at being a sovereign. In fact, it was considered, both by Lord Clive and by Warren Hastings, as a point of policy to leave the character of the Company thus undefined, in order that the English might treat the princes in whose names they governed as realities or nonentities, just as might be most convenient.

Thus the transformation of the Company from a trading body, which possessed some sovereign prerogatives for the purposes of trade, into a sovereign body, the trade of which was auxiliary to its sovereignty, was effected by degrees and under disguise. It is not strange, therefore, that the mercantile and political transactions of this great corporation should be entangled together in inextricable complication. The commercial investments have been purchased out of the revenues of the empire. The expenses of war and government have been defrayed out of the

profits of the trade. Commerce and territory have contributed to the improvement of the same spot of land, to the repairs of the same building. Securities have been given in precisely the same form, for money which has been borrowed for purposes of State, and for money which has been borrowed for purposes of traffic. It is easy, indeed,—and this is a circumstance which has, I think, misled some gentlemen,—it is easy to see what part of the assets of the Company appears in a commercial form, and what part appears in a political or territorial form. But this is not the question. Assets which are commercial in form may be territorial as respects the right of property; assets which are territorial in form may be commercial as respects the right of property. A chest of tea is not necessarily commercial property; it may have been bought out of the territorial revenue. A fort is not necessarily territorial property; it may stand on ground which the Company bought a hundred years ago out of their commercial profits. Adjudication, if by adjudication be meant decision according to some known rule of law, was out of the question. To leave matters like these to be determined by the ordinary maxims of our civil jurisprudence would have been the height of absurdity and injustice. For example, the home bond debt of the Company, it is believed, was incurred partly for political and partly for commercial purposes. But there is no evidence which would enable us to assign to each branch its proper share. The bonds all run in the same form; and a court of justice would, therefore, of course, either lay the whole burthen on the proprietors, or lay the whole on the territory. We have legal opinions, very respectable legal opinions, to the effect, that in strictness of law the territory is not responsible, and that the commercial assets are responsible for every farthing of the debts which were incurred for the government and defence of India. But though this may be, and I believe is, law,

it is, I am sure, neither reason nor justice. On the other hand, it is urged by the advocates of the Company, that some valuable portions of the territory are the property of that body in its commercial capacity; that Calcutta, for example, is the private estate of the Company; that the Company holds the island of Bombay, in free and common socage, as of the Manor of East Greenwich. I will not pronounce any opinion on these points. I have considered them enough to see that there is quite difficulty enough in them to exercise all the ingenuity of all the lawyers in the kingdom for twenty years. But the fact is, Sir, that the municipal law was not made for controversies of this description. The existence of such a body as this gigantic corporation, this political monster of two natures, subject in one hemisphere, sovereign in another, had never been contemplated by the legislators or judges of former ages. Nothing but grotesque absurdity and atrocious injustice could have been the effect, if the claims and liabilities of such a body had been settled according to the rules of Westminster Hall, if the maxims of conveyancers had been applied to the titles by which flourishing cities and provinces are held, or the maxims of the law merchant to those promissory notes which are the securities for a great National Debt, raised for the purpose of exterminating the Pindarrees¹ and humbling the Burmese.

It was, as I have said, absolutely impossible to bring the question between commerce and territory to a satisfactory adjudication; and I must add that, even if the difficulties which I have mentioned could have been surmounted, even if there had been reason to hope that a satisfactory adjudication could have been obtained, I should still have wished to avoid that course. I think it desirable that the Company

¹ [Pindaris: mounted freebooters of Central India, crushed by Lord Hastings 1816-18: the Burma Campaign was in 1825-6.]

should continue to have a share in the government of India; and it would evidently have been impossible, pending a litigation between commerce and territory, to leave any political power to the Company. It would clearly have been the duty of those who were charged with the superintendence of India, to be the patrons of India throughout that momentous litigation, to scrutinise with the utmost severity every claim which might be made on the Indian revenues, and to oppose, with energy and perseverance, every such claim, unless its justice were manifest. If the Company was to be engaged in a suit for many millions, in a suit which might last for many years, against the Indian territory, could we entrust the Company with the government of that territory? Could we put the plaintiff in the situation of *prochain ami* of the defendant? Could we appoint governors who would have had an interest opposed in the most direct manner to the interest of the governed, whose stock would have been raised in value by every decision which added to the burthens of their subjects, and depressed by every decision which diminished those burthens? It would be absurd to suppose that they would efficiently defend our Indian Empire against the claims which they were themselves bringing against it; and it would be equally absurd to give the government of the Indian Empire to those who could not be trusted to defend its interests.

Seeing, then, that it was most difficult, if not wholly impossible, to resort to adjudication between commerce and territory, seeing that, if recourse were had to adjudication, it would be necessary to make a complete revolution in the whole constitution of India, the Government has proposed a compromise. That compromise, with some modifications which did not in the slightest degree affect its principle, and which, while they gave satisfaction to the Company, will eventually lay no additional burthen on the territory, has been accepted. It has, like all other

compromises, been loudly censured by violent partisans on both sides. It has been represented by some as far too favorable to the Company, and by others as most unjust to the Company. Sir, I own that we cannot prove that either of these accusations is unfounded. It is of the very essence of our case that we should not be able to show that we have assigned, either to commerce or to territory, its precise due. For our principal reason for recommending a compromise was our full conviction that it was absolutely impossible to ascertain with precision what was due to commerce and what was due to territory. It is not strange that some people should accuse us of robbing the Company, and others of conferring a vast boon on the Company, at the expense of India: for we have proposed a middle course, on the very ground that there was a chance of a result much more favorable to the Company than our arrangement, and a chance also of a result much less favorable. If the questions pending between the Company and India had been decided as the ardent supporters of the Company predicted, India would, if I calculate rightly, have paid eleven millions more than she will now have to pay. If those questions had been decided as some violent enemies of the Company predicted, that great body would have been utterly ruined. The very meaning of compromise is that each party gives up his chance of complete success, in order to be secured against the chance of utter failure. And, as men of sanguine minds always overrate the chances in their own favour, every fair compromise is sure to be severely censured on both sides. I conceive that, in a case so dark and complicated as this, the compromise which we recommend is sufficiently vindicated, if it cannot be proved to be unfair. We are not bound to prove it to be fair. For it would have been unnecessary for us to resort to compromise at all, if we had been in possession of evidence which would have enabled

us to pronounce, with certainty, what claims were fair and what were unfair. It seems to me that we have acted with due consideration for every party. The dividend which we give to the proprietors is precisely the same dividend which they have been receiving during forty years, and which they have expected to receive permanently. The price of their stock bears at present the same proportion to the price of other stock which it bore four or five years ago, before the anxiety and excitement which the late negotiations naturally produced had begun to operate. As to the territory on the other hand, it is true that, if the assets which are now in a commercial form should not produce a fund sufficient to pay the debts and dividend of the Company, the territory must stand to the loss and pay the difference. But in return for taking this risk, the territory obtains an immediate release from claims to the amount of many millions. I certainly do not believe that all those claims could have been substantiated; but I know that very able men think differently. And, if only one-fourth of the sum demanded had been awarded to the Company, India would have lost more than the largest sum which, as it seems to me, she can possibly lose under the proposed arrangement.

In a pecuniary point of view, therefore, I conceive that we can defend the measure as it affects the territory. But to the territory the pecuniary question is of secondary importance. If we have made a good pecuniary bargain for India, but a bad political bargain, if we have saved three or four millions to the finances of that country, and given to it, at the same time, pernicious institutions, we shall indeed have been practising a most ruinous parsimony. If, on the other hand, it shall be found that we have added fifty or a hundred thousand pounds a-year to the expenditure of an empire which yields a revenue of twenty millions, but that we have at the same time secured to that empire, as far as in us lies, the bless-

ings of good government, we shall have no reason to be ashamed of our profusion. I hope and believe that India will have to pay nothing. But on the most unfavourable supposition that can be made, she will not have to pay so much to the Company as she now pays annually to a single state pageant, to the titular Nabob of Bengal, for example, or the titular King of Delhi. What she pays to these nominal princes, who, while they did anything, did mischief, and who now do nothing, she may well consent to pay to her real rulers, if she receives from them, in return, efficient protection and good legislation.

We come then to the great question. Is it desirable to retain the Company as an organ of government for India? I think that it is desirable. The question is, I acknowledge, beset with difficulties. We have to solve one of the hardest problems in politics. We are trying to make brick without straw, to bring a clean thing out of an unclean, to give a good government to a people to whom we cannot give a free government. In this country, in any neighbouring country, it is easy to frame securities against oppression. In Europe, you have the materials of good government everywhere ready to your hands. The people are everywhere perfectly competent to hold some share, not in every country an equal share, but some share, of political power. If the question were, What is the best mode of securing good government in Europe? the merest smatterer in politics would answer, representative institutions. In India you cannot have representative institutions. Of all the innumerable speculators who have offered their suggestions on Indian politics, not a single one, as far as I know, however democratical his opinions may be, has ever maintained the possibility of giving, at the present time, such institutions to India. One gentleman, extremely well acquainted with the affairs of our Eastern Empire, a most valuable servant of the Company, and the author of a History of India,

which, though certainly not free from faults, is, I think, on the whole, the greatest historical work which has appeared in our language since that of Gibbon, I mean Mr. Mill, was examined on this point. That gentleman is well known to be a very bold and uncompromising politician. He has written strongly, far too strongly I think, in favour of pure democracy. He has gone so far as to maintain that no nation which has not a representative legislature, chosen by universal suffrage, enjoys security against oppression. But when he was asked before the Committee of last year, whether he thought representative government practicable in India, his answer was, 'utterly out of the question.' This then, is the state in which we are. We have to frame a good government for a country into which, by universal acknowledgment, we cannot introduce those institutions which all our habits, which all the reasonings of European philosophers, which all the history of our own part of the world would lead us to consider as the one great security for good government. We have to engraft on despotism those blessings which are the natural fruits of liberty. In these circumstances, Sir, it behoves us to be cautious, even to the verge of timidity. The light of political science and of history are withdrawn: we are walking in darkness: we do not distinctly see whither we are going. It is the wisdom of a man, so situated, to feel his way, and not to plant his foot till he is well assured that the ground before him is firm.

Some things, however, in the midst of this obscurity, I can see with clearness. I can see, for example, that it is desirable that the authority exercised in this country over the Indian government should be divided between two bodies, between a minister or a board appointed by the Crown, and some other body independent of the Crown. If India is to be a dependency of England, to be at war with our enemies, to be at peace with our allies, to be

protected by the English navy from maritime aggression, to have a portion of the English army mixed with its sepoys, it plainly follows that the King, to whom the Constitution gives the direction of foreign affairs, and the command of the military and naval forces, ought to have a share in the direction of the Indian government. Yet, on the other hand, that a revenue of twenty millions a year, an army of two hundred thousand men, a civil service abounding with lucrative situations, should be left to the disposal of the Crown without any check whatever, is what no Minister, I conceive, would venture to propose. This House is indeed the check provided by the Constitution on the abuse of the royal prerogative. But that this House is, or is likely ever to be, an efficient check on abuses practised in India, I altogether deny. We have, as I believe we all feel, quite business enough. If we were to undertake the task of looking into Indian affairs as we look into British affairs, if we were to have Indian budgets and Indian estimates, if we were to go into the Indian currency question and the Indian Bank Charter, if to our disputes about Belgium and Holland, Don Pedro and Don Miguel, were to be added disputes about the debts of the Guicowar and the disorders of Mysore, the ex-king of the Afghans and the Maharajah Runjeet Sing; if we were to have one night occupied by the embezzlements of the Benares mint, and another by the panic in the Calcutta money market; if the questions of Suttee or no Suttee, Pilgrim tax or no Pilgrim tax, Ryotwary or Zemindary, half Batta or whole Batta, were to be debated at the same length at which we have debated Church reform and the assessed taxes, twenty-four hours a day and three hundred and sixty-five days a year would be too short a time for the discharge of our duties. The House, it is plain, has not the necessary time to settle these matters; nor has it the necessary knowledge; nor has it the motives to acquire that

knowledge. The late change in its constitution has made it, I believe, a much more faithful representative of the English people. But it is as far as ever from being a representative of the Indian people. A broken head in Cold Bath Fields¹ produces a greater sensation among us than three pitched battles in India. A few weeks ago we had to decide on a claim² brought by an individual against the revenues of India. If it had been an English question the walls would scarcely have held the Members who would have flocked to the division. It was an Indian question; and we could scarcely, by dint of supplication, make a House. Even when my right honorable friend, the President of the Board of Control, gave his able and interesting explanation of the plan which he intended to propose for the government of a hundred millions of human beings, the attendance was not so large as I have often seen it on a turnpike bill or a railroad bill.

I then take these things as proved, that the Crown must have a certain authority over India, that there must be an efficient check on the authority of the Crown, and that the House of Commons cannot be that efficient check. We must then find some other body to perform that important office. We have such a body, the Company. Shall we discard it?

It is true that the power of the Company is an anomaly in politics. It is strange, very strange, that a joint stock society of traders, a society, the shares of which are daily passed from hand to hand, a society, the component parts of which are perpetually changing, a society, which, judging *a priori* from its constitution, we should have said was as little fitted for imperial functions as the Merchant Tailors'

¹ [A Liberty or Death meeting on May 12th this year. A policeman was killed and the jury found it Justifiable Homicide.]

² [Hutchinson's Claim Bill, against the Rajah of Travancore, lost on second reading. A pepper speculation.]

Company or the New River Company, should be intrusted with the sovereignty of a larger population, the disposal of a larger clear revenue, the command of a larger army, than are under the direct management of the Executive Government of the United Kingdom. But what constitution can we give to our Indian Empire which shall not be strange, which shall not be anomalous? That Empire is itself the strangest of all political anomalies. That a handful of adventurers from an island in the Atlantic should have subjugated a vast country divided from the place of their birth by half the globe; a country which at no very distant period was merely the subject of fable to the nations of Europe; a country never before violated by the most renowned of Western Conquerors; a country which Trajan never entered; a country lying beyond the point where the phalanx of Alexander refused to proceed; that we should govern a territory ten thousand miles from us, a territory larger and more populous than France, Spain, Italy, and Germany put together, a territory, the present clear revenue of which exceeds the present clear revenue of any state in the world, France excepted; a territory, inhabited by men differing from us in race, colour, language, manners, morals, religion; these are prodigies to which the world has seen nothing similar. Reason is confounded. We interrogate the past in vain. General rules are useless where the whole is one vast exception. The Company is an anomaly; but it is part of a system where everything is anomaly. It is the strangest of all governments; but it is designed for the strangest of all Empires.

If we discard the Company, we must find a substitute: and, take what substitute we may, we shall find ourselves unable to give any reason for believing that the body which we have put in the room of the Company is likely to acquit itself of its duties better than the Company. Commissioners appointed by

the King during pleasure would be no check on the Crown; Commissioners appointed by the King or by Parliament for life would always be appointed by the political party which might be uppermost, and if a change of administration took place, would harass the new Government with the most vexatious opposition. The plan suggested by the right honorable Gentleman, the Member for Montgomeryshire,¹ is I think the very worst that I have ever heard. He would have Directors nominated every four years by the Crown. Is it not plain that these Directors would always be appointed from among the supporters of the Ministry for the time being; that their situations would depend on the permanence of that Ministry; that therefore all their power and patronage would be employed for the purpose of propping that Ministry, and, in case of a change, for the purpose of molesting those who might succeed to power; that they would be subservient while their friends were in, and factious when their friends were out? How would Lord Grey's Ministry have been situated if the whole body of Directors had been nominated by the Duke of Wellington in 1830? I mean no imputation on the Duke of Wellington. If the present Ministers had to nominate Directors for four years, they would, I have no doubt, nominate men who would give no small trouble to the Duke of Wellington if he were to return to office. What we want is a body independent of the Government, and no more than independent, not a tool of the Treasury, not a tool of the opposition. No new plan which I have heard proposed would give us such a body. The Company, strange as its constitution may be, is such a body. It is, as a corporation, neither Whig nor Tory, neither high-church nor low-church. It cannot be charged with having been for or against the Catholic Bill, for or against the Reform Bill. It has constantly acted with a view,

¹ Mr. Charles Wynn.

not to English politics, but to Indian politics. We have seen the country convulsed by faction. We have seen Ministers driven from office by this House, Parliament dissolved in anger, general elections of unprecedented turbulence, debates of unprecedented interest. We have seen the two branches of the Legislature placed in direct opposition to each other. We have seen the advisers of the Crown dismissed one day, and brought back the next day on the shoulders of the people. And amidst all these agitating events the Company has preserved strict and unsuspected neutrality. This is, I think, an inestimable advantage; and it is an advantage which we must altogether forego, if we consent to adopt any of the schemes which I have heard proposed on the other side of the House.

We must judge of the Indian government, as of all other governments, by its practical effects. According to the honorable Member for Sheffield, India is ill governed; and the whole fault is with the Company. Innumerable accusations, great and small, are brought by him against the Directors. They are fond of war: they are fond of dominion: the taxation is burthensome: the laws are undigested: the roads are rough: the post goes on foot: and for everything the Company is answerable. From the dethronement of the Mogul princes to the mishaps of Sir Charles Metcalfe's courier, every disaster that has taken place in the East during sixty years is laid to the charge of this Corporation. And the inference is, that all the power which they possess ought to be taken out of their hands, and transferred at once to the Crown.

Now, Sir, it seems to me that, for all the evils which the honorable Gentleman has so pathetically recounted, the Ministers of the Crown are as much to blame as the Company; nay, much more so: for the Board of Control could, without the consent of the Directors, have redressed those evils; and the

Directors most certainly could not have redressed them without the consent of the Board of Control. Take the case of that frightful grievance which seems to have made the deepest impression on the mind of the honorable Gentleman, the slowness of the mail. Why, Sir, if my right honorable friend, the President of our Board, thought fit, he might direct me to write to the Court and require them to frame a dispatch on that subject. If the Court disobeyed, he might himself frame a dispatch ordering Lord William Bentinck to put the dawks all over Bengal on horseback. If the Court refused to send out this dispatch, the Board could apply to the King's Bench for a Mandamus. If, on the other hand, the Directors wished to accelerate the journeys of the mail, and the Board were adverse to the project, the Directors could do nothing at all. For all measures of internal policy the servants of the King are at least as deeply responsible as the Company. For all measures of foreign policy the servants of the King, and they alone, are responsible. I was surprised to hear the honorable Gentleman accuse the Directors of insatiable ambition and rapacity, when he must know that no act of aggression on any native state can be committed by the Company without the sanction of the Board, and that, in fact, the Board has repeatedly approved of warlike measures, which were strenuously opposed by the Company. He must know, in particular, that, during the energetic and splendid administration of the Marquess Wellesley, the Company was all for peace, and the Board all for conquest. If a line of conduct which the honorable Gentleman thinks unjustifiable has been followed by the Ministers of the Crown in spite of the remonstrances of the Directors, this is surely a strange reason for turning off the Directors, and giving the whole power unchecked to the Crown.

The honorable member tells us that India, under the present system, is not so rich and flourishing

as she was two hundred years ago. Really, Sir, I doubt whether we are in possession of sufficient data to enable us to form a judgment on that point. But the matter is of little importance. We ought to compare India under our Government, not with India under Acbar and his immediate successors, but with India as we found it. The calamities through which that country passed during the interval between the fall of the Mogul power and the establishment of the English supremacy were sufficient to throw the people back whole centuries. It would surely be unjust to say, that Alfred was a bad king because Britain, under his government, was not so rich or so civilised as in the time of the Romans.

In what state, then, did we find India? And what have we made India? We found society throughout that vast country in a state to which history scarcely furnishes a parallel. The nearest parallel would, perhaps, be the state of Europe during the fifth century. The Mogul empire in the time of the successors of Aurungzebe, like the Roman empire in the time of the successors of Theodosius, was sinking under the vices of a bad internal administration, and under the assaults of barbarous invaders. At Delhi, as at Ravenna, there was a mock sovereign, immured in a gorgeous state prison. He was suffered to indulge in every sensual pleasure. He was adored with servile prostrations. He assumed and bestowed the most magnificent titles. But, in fact, he was a mere puppet in the hands of some ambitious subject. While the Honorii and Augustuli of the East, surrounded by their fawning eunuchs, revelled and dozed without knowing or caring what might pass beyond the walls of their palace gardens, the provinces had ceased to respect a government which could neither punish nor protect them. Society was a chaos. Its restless and shifting elements formed themselves every moment into some new combination, which the next moment dissolved. In the course

of a single generation a hundred dynasties grew up, flourished, decayed, were extinguished, were forgotten. Every adventurer who could muster a troop of horse might aspire to a throne. Every palace was every year the scene of conspiracies, treasons, revolutions, parricides. Meanwhile a rapid succession of Alarics and Attilas passed over the defenceless empire. A Persian invader penetrated to Delhi, and carried back in triumph the most precious treasures of the House of Tamerlane. The Afghan soon followed, by the same track, to glean whatever the Persian had spared. The Jauts established themselves on the Jumna. The Seiks devastated Lahore. Every part of India, from Tanjore to the Himalayas, was laid under contribution by the Mahrattas. The people were ground down to the dust by the oppressor without and the oppressor within, by the robber from whom the Nabob was unable to protect them, by the Nabob who took whatever the robber had left to them. All the evils of despotism, and all the evils of anarchy, pressed at once on that miserable race. They knew nothing of government but its exactions. Desolation was in their imperial cities, and famine all along the banks of their broad and redundant rivers. It seemed that a few more years would suffice to efface all traces of the opulence and civilisation of an earlier age.

Such was the state of India when the Company began to take part in the disputes of its ephemeral sovereigns. About eighty years have elapsed since we appeared as auxiliaries in a contest between two rival families for the sovereignty of a small corner of the Peninsula. From that moment commenced a great, a stupendous process, the reconstruction of a decomposed society. Two generations have passed away; and the process is complete. The scattered fragments of the empire of Aurungzebe have been united in an empire stronger and more closely knit together than that which Aurungzebe ruled. The

power of the new sovereigns penetrates their dominions more completely, and is far more implicitly obeyed, than was that of the proudest princes of the Mogul dynasty.

It is true, that the early history of this great revolution is chequered with guilt and shame. It is true that the founders of our Indian empire too often abused the strength which they derived from superior energy and superior knowledge. It is true that, with some of the highest qualities of the race from which they sprang, they combined some of the worst defects of the race over which they ruled. How should it have been otherwise? Born in humble stations, accustomed to earn a slender maintenance by obscure industry, they found themselves transformed in a few months from clerks drudging over desks, or captains in marching regiments, into statesmen and generals, with armies at their command, with the revenues of kingdoms at their disposal, with power to make and depose sovereigns at their pleasure. They were what it was natural that men should be who had been raised by so rapid an ascent to so dizzy an eminence, profuse and rapacious, inuperious and corrupt.

It is true, then, that there was too much foundation for the representations of those satirists and dramatists who held up the character of the English Nabob to the derision and hatred of a former generation. It is true that some disgraceful intrigues, some unjust and cruel wars, some instances of odious perfidy and avarice stain the annals of our Eastern empire. It is true that the duties of government and legislation were long wholly neglected or carelessly performed. It is true that when the conquerors at length began to apply themselves in earnest to the discharge of their high functions, they committed the errors natural to rulers who were but imperfectly acquainted with the language and manners of their subjects. It is true that some plans, which were dictated by the

purest and most benevolent feelings, have not been attended by the desired success. It is true that India suffers to this day from a heavy burthen of taxation and from a defective system of law. It is true, I fear, that in those states which are connected with us by subsidiary alliance, all the evils of oriental despotism have too frequently shown themselves in their most loathsome and destructive form.

All this is true. Yet in the history and in the present state of our Indian empire I see ample reason for exultation and for a good hope.

I see that we have established order where we found confusion. I see that the petty dynasties which were generated by the corruption of the great Mahometan empire, and which, a century ago, kept all India in constant agitation, have been quelled by one overwhelming power. I see that the predatory tribes which, in the middle of the last century, passed annually over the harvests of India with the destructive rapidity of a hurricane, have quailed before the valour of a braver and sterner race, have been vanquished, scattered, hunted to their strongholds, and either extirpated by the English sword, or compelled to exchange the pursuits of rapine for those of industry.

I look back for many years; and I see scarcely a trace of the vices which blemished the splendid fame of the first conquerors of Bengal. I see peace studiously preserved. I see faith inviolably maintained towards feeble and dependent states. I see confidence gradually infused into the minds of suspicious neighbours. I see the horrors of war mitigated by the chivalrous and Christian spirit of Europe. I see examples of moderation and clemency, such as I should seek in vain in the annals of any other victorious and dominant nation. I see captive tyrants, whose treachery and cruelty might have excused a severe retribution, living in security, comfort, and dignity, under the protection of the government which they laboured to destroy.

I see a large body of civil and military functionaries resembling in nothing but capacity and valour those adventurers who, seventy years ago, came hither, laden with wealth and infamy, to parade before our fathers the plundered treasures of Bengal and Tanjore. I reflect with pride that to the doubtful splendour which surrounds the memory of Hastings and of Clive, we can oppose the spotless glory of Elphinstone and Munro.¹ I contemplate with reverence and delight the honorable poverty which is the evidence of rectitude firmly maintained amidst strong temptations. I rejoice to see my countrymen, after ruling millions of subjects, after commanding victorious armies, after dictating terms of peace at the gates of hostile capitals, after administering the revenues of great provinces, after judging the causes of wealthy Zemindars, after residing at the Courts of tributary Kings, return to their native land with no more than a decent competence.

I see a government anxiously bent on the public good. Even in its errors I recognise a paternal feeling towards the great people committed to its charge. I see toleration strictly maintained: yet I see bloody and degrading superstitions gradually losing their power. I see the morality, the philosophy, the taste of Europe, beginning to produce a salutary effect on the hearts and understandings of our subjects. I see the public mind of India, that public mind which we found debased and contracted by the worst forms of political and religious tyranny, expanding itself to just and noble views of the ends of government and of the social duties of man.

I see evils: but I see the government actively employed in the work of remedying those evils. The taxation is heavy: but the work of retrenchment is unsparingly pursued. The mischiefs arising from the system of subsidiary alliance are great: but the rulers of India are fully aware of those mischiefs,

¹ [Governors of Bombay and Madras.]

and are engaged in guarding against them. Wherever they now interfere for the purpose of supporting a native government, they interfere also for the purpose of reforming it.

Seeing these things, then, am I prepared to discard the Company as an organ of government? I am not. Assuredly I will never shrink from innovation where I see reason to believe that innovation will be improvement. That the present Government does not shrink from innovations which it considers as improvements the bill now before the House sufficiently shows. But surely the burthen of the proof lies on the innovators. They are bound to show that there is a fair probability of obtaining some advantage before they call upon us to take up the foundations of the Indian government. I have no superstitious veneration for the Court of Directors or the Court of Proprietors. Find me a better Council: find me a better constituent body: and I am ready for a change. But of all the substitutes for the Company which have hitherto been suggested, not one has been proved to be better than the Company; and most of them I could, I think, easily prove to be worse. Circumstances might force us to hazard a change. If the Company were to refuse to accept of the government unless we would grant pecuniary terms which I thought extravagant, or unless we gave up the clauses in this bill which permit Europeans to hold landed property and natives to hold office, I would take them at their word. But I will not discard them in the mere rage of experiment.

Do I call the government of India a perfect government? Very far from it. No nation can be perfectly well governed till it is competent to govern itself. I compare the Indian government with other governments of the same class, with despotisms, with military despotisms, with foreign military despotisms; and I find none that approaches it in excellence. I compare it with the government of the Roman

provinces, with the government of the Spanish colonies; and I am proud of my country and my age. Here are a hundred millions of people under the absolute rule of a few strangers, differing from them physically, differing from them morally, mere Mamelukes, not born in the country which they rule, not meaning to lay their bones in it. If you require me to make this government as good as that of England, France, or the United States of America, I own frankly that I can do no such thing. Reasoning *a priori*, I should have come to the conclusion that such a government must be a horrible tyranny. It is a source of constant amazement to me that it is so good as I find it to be. I will not, therefore, in a case in which I have neither principles nor precedents to guide me, pull down the existing system on account of its theoretical defects. For I know that any system which I could put in its place would be equally condemned by theory, while it would not be equally sanctioned by experience.

Some change in the constitution of the Company was, as I have shown, rendered inevitable by the opening of the China Trade; and it was the duty of the Government to take care that the change should not be prejudicial to India. There were many ways in which the compromise between commerce and territory might have been effected. We might have taken the assets, and paid a sum down, leaving the Company to invest that sum as they chose. We might have offered English security with a lower interest. We might have taken the course which the late ministers designed to take. They would have left the Company in possession of the means of carrying on its trade in competition with private merchants. My firm belief is that, if this course had been taken, the Company must, in a very few years, have abandoned the trade, or the trade would have ruined the Company. It was not, however, solely or principally by regard for the interest of the

Company, or of English merchants generally, that the Government was guided on this occasion. The course which appeared to us the most likely to promote the interests of our Eastern Empire was to make the proprietors of India stock creditors of the Indian territory. Their interest will thus be in a great measure the same with the interest of the people whom they are to rule. Their income will depend on the revenues of their empire. The revenues of their empire will depend on the manner in which the affairs of that empire are administered. We furnish them with the strongest motives to watch over the interests of the cultivator and the trader, to maintain peace, to carry on with vigour the work of retrenchment, to detect and punish extortion and corruption. Though they live at a distance from India, though few of them have ever seen or may ever see the people whom they rule, they will have a great stake in the happiness of their subjects. If their misgovernment should produce disorder in the finances, they will themselves feel the effects of that disorder in their own household expenses. I believe this to be, next to a representative constitution, the constitution which is the best security for good government. A representative constitution India cannot at present have. And we have therefore, I think, given her the best constitution of which she is capable.

One word as to the new arrangement which we propose with respect to the patronage. It is intended to introduce the principle of competition in the disposal of writerships; and from this change I cannot but anticipate the happiest results. The civil servants of the Company are undoubtedly a highly respectable body of men; and in that body, as in every large body, there are some persons of very eminent ability. I rejoice most cordially to see this. I rejoice to see that the standard of morality is so high in England, that intelligence is so generally

diffused through England, that young persons who are taken from the mass of society, by favour and not by merit, and who are therefore only fair samples of the mass, should, when placed in situations of high importance, be so seldom found wanting. But it is not the less true that India is entitled to the service of the best talents which England can spare. That the average of intelligence and virtue is very high in this country is matter for honest exultation. But it is no reason for employing average men where you can obtain superior men. Consider too, Sir, how rapidly the public mind of India is advancing, how much attention is already paid by the higher classes of the natives to those intellectual pursuits on the cultivation of which the superiority of the European race to the rest of mankind principally depends. Surely, in such circumstances, from motives of selfish policy, if from no higher motive, we ought to fill the magistracies of our Eastern Empire with men who may do honor to their country, with men who may represent the best part of the English nation. This, Sir, is our object; and we believe that by the plan which is now proposed this object will be attained. It is proposed that for every vacancy in the civil service four candidates shall be named, and the best candidate selected by examination. We conceive that, under this system, the persons sent out will be young men above par, young men superior either in talents or in diligence to the mass. It is said, I know, that examinations in Latin, in Greek, and in mathematics, are no tests of what men will prove to be in life. I am perfectly aware that they are not infallible tests: but that they are tests I confidently maintain. Look at every walk of life, at this House, at the other House, at the Bar, at the Bench, at the Church, and see whether it be not true that those who attain high distinction in the world were generally men who were distinguished in their academic career. Indeed, Sir, this objection would prove far

too much even for those who use it. It would prove that there is no use at all in education. Why should we put boys out of their way? Why should we force a lad, who would much rather fly a kite or trundle a hoop, to learn his Latin Grammar? Why should we keep a young man to his Thucydides or his Laplace, when he would much rather be shooting? Education would be mere useless torture, if, at two or three and twenty, a man who had neglected his studies were exactly on a par with a man who had applied himself to them, exactly as likely to perform all the offices of public life with credit to himself and with advantage to society. Whether the English system of education be good or bad is not now the question. Perhaps I may think that too much time is given to the ancient languages and to the abstract sciences. But what then? Whatever be the languages, whatever be the sciences, which it is, in any age or country, the fashion to teach, the persons who become the greatest proficient in those languages and those sciences will generally be the flower of the youth, the most acute, the most industrious, the most ambitious of honorable distinctions. If the Ptolemaic system were taught at Cambridge instead of the Newtonian, the senior wrangler would nevertheless be in general a superior man to the wooden spoon. If, instead of learning Greek, we learned the Cherokee, the man who understood the Cherokee best, who made the most correct and melodious Cherokee verses, who comprehended most accurately the effect of the Cherokee particles, would generally be a superior man to him who was destitute of these accomplishments. If astrology were taught at our Universities, the young man who cast nativities best would generally turn out a superior man. If alchymy were taught, the young man who showed most activity in the pursuit of the philosopher's stone would generally turn out a superior man.

I will only add one other observation on this subject. Although I am inclined to think that too exclusive an attention is paid in the education of young English gentlemen to the dead languages, I conceive that when you are choosing men to fill situations for which the very first and most indispensable qualification is familiarity with foreign languages, it would be difficult to find a better test of their fitness than their classical acquirements.

Some persons have expressed doubts as to the possibility of procuring fair examinations. I am quite sure that no person who has been either at Cambridge or at Oxford can entertain such doubts. I feel, indeed, that I ought to apologise for even noticing an objection so frivolous.

Next to the opening of the China trade, Sir, the change most eagerly demanded by the English people was, that the restrictions on the admission of Europeans to India should be removed. In this change there are undoubtedly very great advantages. The chief advantage is, I think, the improvement which the minds of our native subjects may be expected to derive from free intercourse with a people far advanced beyond themselves in intellectual cultivation. I cannot deny, however, that the advantages are attended with some danger.

The danger is that the new comers, belonging to the ruling nation, resembling in colour, in language, in manners, those who hold supreme military and political power, and differing in all these respects from the great mass of the population, may consider themselves as a superior class, and may trample on the indigenous race. Hitherto there have been strong restraints on Europeans resident in India. Licences were not easily obtained. Those residents who were in the service of the Company had obvious motives for conducting themselves with propriety. If they incurred the serious displeasure of the Government, their hopes of promotion were blighted. Even those

who were not in the public service were subject to the formidable power which the Government possessed of banishing them at its pleasure.

The licence of the Government will now no longer be necessary to persons who desire to reside in the settled provinces of India. The power of arbitrary deportation is withdrawn. Unless, therefore, we mean to leave the natives exposed to the tyranny and insolence of every profligate adventurer who may visit the East, we must place the European under the same power which legislates for the Hindoo. No man loves political freedom more than I. But a privilege enjoyed by a few individuals, in the midst of a vast population who do not enjoy it, ought not to be called freedom. It is tyranny. In the West Indies I have not the least doubt that the existence of the Trial by Jury and of Legislative Assemblies has tended to make the condition of the slaves worse than it would otherwise have been. Or, to go to India itself for an instance, though I fully believe that a mild penal code is better than a severe penal code, the worst of all systems was surely that of having a mild code for the Brahmins, who sprang from the head of the Creator, while there was a severe code for the Sudras, who sprang from his feet. India has suffered enough already from the distinction of castes, and from the deeply rooted prejudices which that distinction has engendered. God forbid that we should inflict on her the curse of a new caste, that we should send her a new breed of Brahmins, authorised to treat all the native population as Parias!

With a view to the prevention of this evil, we propose to give to the Supreme Government the power of legislating for Europeans as well as for natives. We propose that the regulations of the Government shall bind the King's Court as they bind all other courts, and that registration by the Judges of the King's Courts shall no longer be necessary to give

validity to those regulations within the towns of Calcutta, Madras, and Bombay.

I could scarcely, Sir, believe my ears when I heard this part of our plan condemned in another place. I should have thought that it would have been received with peculiar favour in that quarter where it has met with the most severe condemnation. What, at present, is the case? If the Supreme Court and the Government differ on a question of jurisdiction, or on a question of legislation within the towns which are the seats of Government, there is absolutely no umpire but the Imperial Parliament. The device of putting one wild elephant between two tame elephants was ingenious; but it may not always be practicable. Suppose a tame elephant between two wild elephants, or suppose that the whole herd should run wild together. The thing is not without example. And is it not most unjust and ridiculous that, on one side of a ditch, the edict of the Governor General should have the force of law, and that on the other side it should be of no effect unless registered by the Judges of the Supreme Court? If the registration be a security for good legislation, we are bound to give that security to all classes of our subjects. If the registration be not a security for good legislation, why give it to any? Is the system good? Extend it. Is it bad? Abolish it. But in the name of common sense do not leave it as it is. It is as absurd as our old law of sanctuary. The law which authorises imprisonment for debt may be good or bad. But no man in his senses can approve of the ancient system under which a debtor who might be arrested in Fleet Street was safe as soon as he had scampered into Whitefriars. Just in the same way, doubts may fairly be entertained about the expediency of allowing four or five persons to make laws for India; but to allow them to make laws for all India without the Mahratta ditch, and to except Calcutta, is the height of absurdity.

I say, therefore, that either you must enlarge the power of the Supreme Court, and give it a general veto on laws, or you must enlarge the power of the Government, and make its regulations binding on all Courts without distinction. The former course no person has ventured to propose. To the latter course objections have been made; but objections which to me, I must own, seem altogether frivolous.

It is acknowledged that of late years inconvenience has arisen from the relation in which the Supreme Court stands to the Government. But, it is said, that Court was originally instituted for the protection of natives against Europeans. The wise course would therefore be to restore its original character.

Now, Sir, the fact is, that the Supreme Court has never been so mischievous as during the first ten years of its power, or so respectable as it has lately been. Every body who knows anything of its early history knows, that, during a considerable time, it was the terror of Bengal, the scourge of the native population, the screen of European delinquents, a convenient tool of the Government for all purposes of evil, an insurmountable obstacle to the Government in all undertakings for the public good; that its proceedings were made up of pedantry, cruelty, and corruption; that its disputes with the Government were at one time on the point of breaking up the whole fabric of society; and that a convulsion was averted only by the dexterous policy of Warren Hastings, who at last bought off the opposition of the Chief Justice for eight thousand pounds a year. It is notorious that, while the Supreme Court opposed Hastings in all his best measures, it was a thoroughgoing accomplice in his worst; that it took part in the most scandalous of those proceedings which, fifty years ago, roused the indignation of Parliament and of the country; that it assisted in the spoliation of the princesses of Oude; that it passed sentence of death on Nuncomar. And this is the

Court which we are to restore from its present state of degeneracy to its original purity. This is the protection which we are to give to the natives against the Europeans. Sir, so far is it from being true that the character of the Supreme Court has deteriorated, that it has, perhaps, improved more than any other institution in India. But the evil lies deep in the nature of the institution itself. The Judges have in our time deserved the greatest respect. Their judgment and integrity have done much to mitigate the vices of the system. The worst charge that can be brought against any of them is that of pertinacity, disinterested, conscientious pertinacity, in error. The real evil is the state of the law. You have two supreme powers in India. There is no arbitrator except a Legislature fifteen thousand miles off. Such a system is on the face of it an absurdity in politics. My wonder is, not that this system has several times been on the point of producing fatal consequences to the peace and resources of India;—those, I think, are the words in which Warren Hastings described the effect of the contest between his Government and the Judges;—but that it has not actually produced such consequences. The most distinguished members of the Indian Government, the most distinguished Judges of the Supreme Court, call upon you to reform this system. Sir Charles Metcalfe, Sir Charles Grey, represent with equal urgency the expediency of having one single paramount council armed with legislative power. The admission of Europeans to India renders it absolutely necessary not to delay our decision. The effect of that admission would be to raise a hundred questions, to produce a hundred contests between the Council and the judicature. The Government would be paralysed at the precise moment at which all its energy was required. While the two equal powers were acting in opposite directions, the whole machine of the state would stand still. The Europeans would be uncontrolled. The natives

would be unprotected. The consequences I will not pretend to foresee. Everything beyond is darkness and confusion.

Having given to the Government supreme legislative power, we next propose to give to it for a time the assistance of a Commission for the purpose of digesting and reforming the laws of India, so that those laws may, as soon as possible, be formed into a code. Gentlemen of whom I wish to speak with the highest respect have expressed a doubt whether India be at present in a fit state to receive a benefit which is not yet enjoyed by this free and highly civilised country. Sir, I can allow to this argument very little weight beyond that which it derives from the personal authority of those who use it. For, in the first place, our freedom and our high civilisation make this improvement, desirable as it must always be, less indispensably necessary to us than to our Indian subjects; and in the next place our freedom and civilisation, I fear, make it far more difficult for us to obtain this benefit for ourselves than to bestow it on them.

I believe that no country ever stood so much in need of a code of laws as India; and I believe also that there never was a country in which the want might so easily be supplied. I said that there were many points of analogy between the state of that country after the fall of the Mogul power, and the state of Europe after the fall of the Roman empire. In one respect the analogy is very striking. As there were in Europe then, so there are in India now, several systems of law widely differing from each other, but coexisting and coequal. The indigenous population has its own laws. Each of the successive races of conquerors has brought with it its own peculiar jurisprudence: the Mussulman his Koran and the innumerable commentators on the Koran; the Englishman his Statute Book and his Term Reports. As there were established in Italy, at one and

the same time, the Roman law, the Lombard law, the Ripuarian law, the Bavarian law, and the Salic law, so we have now in our Eastern empire Hindoo law, Mahometan law, Parsee law, English law, perpetually mingling with each other and disturbing each other, varying with the person, varying with the place. In one and the same cause the process and pleadings are in the fashion of one nation, the judgment is according to the laws of another. An issue is evolved according to the rules of Westminster, and decided according to those of Benares. The only Mahometan book in the nature of a code is the Koran; the only Hindoo book the Institutes. Every body who knows those books knows that they provide for a very small part of the cases which must arise in every community. All beyond them is comment and tradition. Our regulations in civil matters do not define rights, but merely establish remedies. If a point of Hindoo law arises, the Judge calls on the Pundit for an opinion. If a point of Mahometan law arises, the Judge applies to the Cauzee. What the integrity of these functionaries is, we may learn from Sir William Jones. That eminent man declared that he could not answer it to his conscience to decide any point of law on the faith of a Hindoo expositor. Sir Thomas Strange confirms this declaration. Even if there were no suspicion of corruption on the part of the interpreters of the law, the science which they profess is in such a state of confusion that no reliance can be placed on their answers. Sir Francis Macnaghten tells us, that it is a delusion to fancy that there is any known and fixed law under which the Hindoo people live; that texts may be produced on any side of any question; that expositors equal in authority perpetually contradict each other; that the obsolete law is perpetually confounded with the law actually in force, and that the first lesson to be impressed on a functionary who has to administer Hindoo law is that it is vain to think of extracting

certainly from the books of the jurist. The consequence is that in practice the decisions of the tribunals are altogether arbitrary. What is administered is not law, but a kind of rude and capricious equity. I asked an able and excellent judge lately returned from India how one of our Zillah Courts¹ would decide several legal questions of great importance, questions not involving considerations of religion or of caste, mere questions of commercial law. He told me, that it was a mere lottery. He knew how he should himself decide them. But he knew nothing more. I asked a most distinguished civil servant of the Company, with reference to the clause in this Bill on the subject of slavery, whether at present, if a dancing girl ran away from her master, the judge would force her to go back. 'Some judges,' he said, 'send a girl back. Others set her at liberty. The whole is a mere matter of chance. Everything depends on the temper of the individual judge.'

Even in this country, we have had complaints of judge-made law; even in this country, where the standard of morality is higher than in almost any other part of the world; where, during several generations, not one depositary of our legal traditions has incurred the suspicion of personal corruption; where there are popular institutions; where every decision is watched by a shrewd and learned audience; where there is an intelligent and observant public; where every remarkable case is fully reported in a hundred newspapers; where, in short, there is everything which can mitigate the evils of such a system. But judge-made law, where there is an absolute government and a lax morality, where there is no bar and no public, is a curse and a scandal not to be endured. It is time that the magistrate should know what law he is to administer, that the subject should know under what law he is to live. We do not mean that all the people of India should live under the same

¹ [An administrative district: the jurisdiction of a collector.]

law: far from it: there is not a word in the bill, there was not a word in my right honorable friend's speech, susceptible of such an interpretation. We know how desirable that object is; but we also know that it is unattainable. We know that respect must be paid to feelings generated by differences of religion, of nation, and of caste. Much, I am persuaded, may be done to assimilate the different systems of law without wounding those feelings. But, whether we assimilate those systems or not, let us ascertain them; let us digest them. We propose no rash innovation; we wish to give no shock to the prejudices of any part of our subjects. Our principle is simply this; uniformity where you can have it; diversity where you must have it; but in all cases certainty.

As I believe that India stands more in need of a code¹ than any other country in the world, I believe also that there is no country on which that great benefit can more easily be conferred. A code is almost the only blessing, perhaps it is the only blessing, which absolute governments are better fitted to confer on a nation than popular governments. The work of digesting a vast and artificial system of unwritten jurisprudence is far more easily performed, and far better performed, by few minds than by many, by a Napoleon than by a Chamber of Deputies and a Chamber of Peers, by a government like that of Prussia or Denmark than by a government like that of England. A quiet knot of two or three veteran jurists is an infinitely better machinery for such a purpose than a large popular assembly divided, as such assemblies almost always are, into adverse factions. This seems to me, therefore, to be precisely that point of time at which the advantage of a complete written code of laws may most easily be conferred on India. It is a work which cannot be well performed in an age of barbarism, which cannot

¹ [The code was mainly drafted by Macaulay himself as Legal Member of Council 1834-8.]

without great difficulty be performed in an age of freedom. It is a work which especially belongs to a government like that of India, to an enlightened and paternal despotism.

I have detained the House so long, Sir, that I will defer what I had to say on some parts of this measure, important parts, indeed, but far less important, as I think, than those to which I have adverted, till we are in Committee. There is, however, one part of the bill on which, after what has recently passed elsewhere, I feel myself irresistibly impelled to say a few words. I allude to that wise, that benevolent, that noble clause, which enacts that no native of our Indian empire shall, by reason of his colour, his descent, or his religion, be incapable of holding office. At the risk of being called by that nickname which is regarded as the most opprobrious of all nicknames by men of selfish hearts and contracted minds, at the risk of being called a philosopher,¹ I must say that, to the last day of my life, I shall be proud of having been one of those who assisted in the framing of the bill which contains that clause. We are told that the time can never come when the natives of India can be admitted to high civil and military office. We are told that this is the condition on which we hold our power. We are told, that we are bound to confer on our subjects every benefit—which they are capable of enjoying?—no;—which it is in our power to confer on them?—no;—but which we can confer on them without hazard to the perpetuity of our own domination. Against that proposition I solemnly protest as inconsistent alike with sound policy and sound morality.

I am far, very far, from wishing to proceed hastily in this most delicate matter. I feel that, for the good

¹ [This echoes Canning's defence of Huskisson in 1826. 'Why is it to be supposed that to apply the refinement of philosophy to the affairs of common life indicates obduracy of feeling or obtuseness of sensibility?']

of India itself, the admission of natives to high office must be effected by slow degrees. But that, when the fulness of time is come, when the interest of India requires the change, we ought to refuse to make that change lest we should endanger our own power, this is a doctrine of which I cannot think without indignation. Governments, like men, may buy existence too dear. 'Propter vitam vivendi perdere causas,' is a despicable policy both in individuals and in states. In the present case, such a policy would not only be despicable, but absurd. The mere extent of empire is not necessarily an advantage. To many governments it has been cumbersome; to some it has been fatal. It will be allowed by every statesman of our time that the prosperity of a community is made up of the prosperity of those who compose the community, and that it is the most childish ambition to covet dominion which adds to no man's comfort or security. To the great trading nation, to the great manufacturing nation, no progress which any portion of the human race can make in knowledge, in taste for the conveniences of life, or in the wealth by which those conveniences are produced, can be matter of indifference. It is scarcely possible to calculate the benefits which we might derive from the diffusion of European civilisation among the vast population of the East. It would be, on the most selfish view of the case, far better for us that the people of India were well governed and independent of us, than ill governed and subject to us; that they were ruled by their own kings, but wearing our broadcloth, and working with our cutlery, than that they were performing their salams to English collectors and English magistrates, but were too ignorant to value, or too poor to buy, English manufactures. To trade with civilised men is infinitely more profitable than to govern savages. That would, indeed, be a doting wisdom, which, in order that India might remain a dependency, would

make it an useless and costly dependency, which would keep a hundred millions of men from being our customers in order that they might continue to be our slaves.

It was, as Bernier tells us, the practice of the miserable tyrants whom he found in India, when they dreaded the capacity and spirit of some distinguished subject, and yet could not venture to murder him, to administer to him a daily dose of the pousa, a preparation of opium, the effect of which was in a few months to destroy all the bodily and mental powers of the wretch who was drugged with it, and to turn him into a helpless idiot. The detestable artifice, more horrible than assassination itself, was worthy of those who employed it. It is no model for the English nation. We shall never consent to administer the pousa to a whole community, to stupify and paralyse a great people whom God has committed to our charge, for the wretched purpose of rendering them more amenable to our control. What is power worth if it is founded on vice, on ignorance, and on misery; if we can hold it only by violating the most sacred duties which as governors we owe to the governed, and which, as a people blessed with far more than an ordinary measure of political liberty and of intellectual light, we owe to a race debased by three thousand years of despotism and priest-craft? We are free, we are civilised, to little purpose, if we grudge to any portion of the human race an equal measure of freedom and civilisation.

Are we to keep the people of India ignorant in order that we may keep them submissive? Or do we think that we can give them knowledge without awakening ambition? Or do we mean to awaken ambition and to provide it with no legitimate vent? Who will answer any of these questions in the affirmative? Yet one of them must be answered in the affirmative, by every person who maintains that

we ought permanently to exclude the natives from high office. I have no fears. The path of duty is plain before us: and it is also the path of wisdom, of national prosperity, of national honor.

The destinies of our Indian empire are covered with thick darkness. It is difficult to form any conjecture as to the fate reserved for a state which resembles no other in history, and which forms by itself a separate class of political phenomena. The laws which regulate its growth and its decay are still unknown to us. It may be that the public mind of India may expand under our system till it has outgrown that system; that by good government we may educate our subjects into a capacity for better government; that, having become instructed in European knowledge, they may, in some future age, demand European institutions. Whether such a day will ever come I know not. But never will I attempt to avert or to retard it. Whenever it comes, it will be the proudest day in English history. To have found a great people sunk in the lowest depths of slavery and superstition, to have so ruled them as to have made them desirous and capable of all the privileges of citizens, would indeed be a title to glory all our own. The sceptre may pass away from us. Unforeseen accidents may derange our most profound schemes of policy. Victory may be inconstant to our arms. But there are triumphs which are followed by no reverse. There is an empire exempt from all natural causes of decay. Those triumphs are the pacific triumphs of reason over barbarism; that empire is the imperishable empire of our arts and our morals, our literature and our laws.

* *A Speech delivered in the House of
Commons on the 5th of February, 1841*

ON the twenty-ninth of January, 1841, Mr. Serjeant Talfourd¹ obtained leave to bring in a bill to amend the law of copyright. The object of this bill was to extend the term of copyright in a book to sixty years, reckoned from the death of the writer.

On the fifth of February Mr. Serjeant Talfourd moved that the bill should be read a second time. In reply to him the following Speech was made. The bill was rejected by 45 votes to 38.

[*Note:* The law and its amendment may be summarized thus.

Existing law: Copyright for life or 28 years, whichever longer.

Talfourd: „ „ life and 60 years.

Mahon: „ „ life and 25 years.

Macaulay: „ „ life or 42 years, whichever longer.]

THOUGH, Sir, it is in some sense agreeable to approach a subject with which political animosities have nothing to do, I offer myself to your notice with some reluctance. It is painful to me to take a course which may possibly be misunderstood or misrepresented as unfriendly to the interests of literature and literary men. It is painful to me, I will add, to oppose my honorable and learned friend on a question which he has taken up from the purest motives, and which he regards with a parental interest. These feelings have hitherto kept me silent when the law of copyright has been under discussion. But as I am, on full consideration, satisfied that the measure before us will, if adopted, inflict grievous injury on the public, without conferring any compensating advantage on men of letters, I think it my duty to avow that opinion and to defend it.

The first thing to be done, Sir, is to settle on what principles the question is to be argued. Are we free

¹ [Talfourd's first Copyright Bill was introduced in 1837 and was rewarded with the dedication of *Pickwick*. In 1841 he unsuccessfully defended Moxon for publishing a blasphemous libel, *Queen Mab*.]

to legislate for the public good, or are we not? Is this a question of expediency, or is it a question of right? Many of those who have written and petitioned against the existing state of things treat the question as one of right. The law of nature, according to them, gives to every man a sacred and indefeasible property in his own ideas, in the fruits of his own reason and imagination. The legislature has indeed the power to take away this property, just as it has the power to pass an act of attainder for cutting off an innocent man's head without a trial. But, as such an act of attainder would be legal murder, so would an act invading the right of an author to his copy be, according to these gentlemen, legal robbery.

Now, Sir, if this be so, let justice be done, cost what it may. I am not prepared, like my honorable and learned friend, to agree to a compromise between right and expediency, and to commit an injustice for the public convenience. But I must say, that his theory soars far beyond the reach of my faculties. It is not necessary to go, on the present occasion, into a metaphysical inquiry about the origin of the right of property; and certainly nothing but the strongest necessity would lead me to discuss a subject so likely to be distasteful to the House. I agree, I own, with Paley in thinking that property is the creature of the law, and that the law which creates property can be defended only on this ground, that it is a law beneficial to mankind. But it is unnecessary to debate that point. For, even if I believed in a natural right of property, independent of utility and anterior to legislation, I should still deny that this right could survive the original proprietor. Few, I apprehend, even of those who have studied in the most mystical and sentimental schools of moral philosophy, will be disposed to maintain that there is a natural law of succession older and of higher authority than any human code. If there be, it is

quite certain that we have abuses to reform much more serious than any connected with the question of copyright. For this natural law can be only one; and the modes of succession in the Queen's dominions are twenty. To go no further than England, land generally descends to the eldest son. In Kent the sons share and share alike. In many districts the youngest takes the whole. Formerly a portion of a man's personal property was secured to his family; and it was only of the residue that he could dispose by will. Now he can dispose of the whole by will: but you limited his power, a few years ago, by enacting that the will should not be valid unless there were two witnesses. If a man dies intestate, his personal property generally goes according to the statute of distributions; but there are local customs which modify that statute. Now which of all these systems is conformed to the eternal standard of right? Is it primogeniture, or gavelkind, or borough English? Are wills *jure divino*? Are the two witnesses *jure divino*? Might not the *pars rationabilis* of our old law have a fair claim to be regarded as of celestial institution? Was the statute of distributions enacted in Heaven long before it was adopted by Parliament? Or is it to Custom of York, or to Custom of London, that this preeminence belongs? Surely, Sir, even those who hold that there is a natural right of property must admit that rules prescribing the manner in which the effects of deceased persons shall be distributed are purely arbitrary, and originate altogether in the will of the legislature. If so, Sir, there is no controversy between my honorable and learned friend and myself as to the principles on which this question is to be argued. For the existing law gives an author copyright during his natural life; nor do I propose to invade that privilege, which I should, on the contrary, be prepared to defend strenuously against any assailant. The only point in issue between us is, how long after an author's death the State

shall recognise a copyright in his representatives and assigns; and it can, I think, hardly be disputed by any rational man that this is a point which the legislature is free to determine in the way which may appear to be most conducive to the general good.

We may now, therefore, I think, descend from these high regions, where we are in danger of being lost in the clouds, to firm ground and clear light. Let us look at this question like legislators, and after fairly balancing conveniences and inconveniences, pronounce between the existing law of copyright and the law now proposed to us. The question of copyright, Sir, like most questions of civil prudence, is neither black nor white, but grey. The system of copyright has great advantages and great disadvantages; and it is our business to ascertain what these are, and then to make an arrangement under which the advantages may be as far as possible secured, and the disadvantages as far as possible excluded. The charge which I bring against my honorable and learned friend's bill is this, that it leaves the advantages nearly what they are at present, and increases the disadvantages at least four fold.

The advantages arising from a system of copyright are obvious. It is desirable that we should have a supply of good books: we cannot have such a supply unless men of letters are liberally remunerated; and the least objectionable way of remunerating them is by means of copyright. You cannot depend for literary instruction and amusement on the leisure of men occupied in the pursuits of active life. Such men may occasionally produce compositions of great merit. But you must not look to such men for works which require deep meditation and long research. Works of that kind you can expect only from persons who make literature the business of their lives. Of these persons few will be found among the rich and the noble. The rich and the noble are not impelled to intellectual exertion by necessity. They may be

impelled to intellectual exertion by the desire of distinguishing themselves, or by the desire of benefiting the community. But it is generally within these walls that they seek to signalise themselves and to serve their fellow creatures. Both their ambition and their public spirit, in a country like this, naturally take a political turn. It is then on men whose profession is literature, and whose private means are not ample, that you must rely for a supply of valuable books. Such men must be remunerated for their literary labour. And there are only two ways in which they can be remunerated. One of those ways is patronage; the other is copyright.

There have been times in which men of letters looked, not to the public, but to the government, or to a few great men, for the reward of their exertions. It was thus in the time of Mæcenæ and Pollio at Rome, of the Medici at Florence, of Lewis the Fourteenth in France, of Lord Halifax and Lord Oxford in this country. Now, Sir, I well know that there are cases in which it is fit and graceful, nay, in which it is a sacred duty to reward the merits or to relieve the distresses of men of genius by the exercise of this species of liberality. But these cases are exceptions. I can conceive no system more fatal to the integrity and independence of literary men than one under which they should be taught to look for their daily bread to the favour of ministers and nobles. I can conceive no system more certain to turn those minds which are formed by nature to be the blessings and ornaments of our species into public scandals and pests.

We have, then, only one resource left. We must betake ourselves to copyright, be the inconveniences of copyright what they may. Those inconveniences, in truth, are neither small nor few. Copyright is monopoly, and produces all the effects which the general voice of mankind attributes to monopoly. My honorable and learned friend talks very con-

temptuously of those who are led away by the theory that monopoly makes things dear. That monopoly makes things dear is certainly a theory, as all the great truths which have been established by the experience of all ages and nations, and which are taken for granted in all reasonings, may be said to be theories. It is a theory in the same sense in which it is a theory, that day and night follow each other, that lead is heavier than water, that bread nourishes, that arsenic poisons, that alcohol intoxicates. If, as my honorable and learned friend seems to think, the whole world is in the wrong on this point, if the real effect of monopoly is to make articles good and cheap, why does he stop short in his career of change? Why does he limit the operation of so salutary a principle to sixty years? Why does he consent to anything short of a perpetuity? He told us that in consenting to anything short of a perpetuity he was making a compromise between extreme right and expediency. But if his opinion about monopoly be correct, extreme right and expediency would coincide. Or rather why should we not restore the monopoly of the East India trade to the East India Company? Why should we not revive all those old monopolies which, in Elizabeth's reign, galled our fathers so severely that, maddened by intolerable wrong, they opposed to their sovereign a resistance before which her haughty spirit quailed for the first and for the last time? Was it the cheapness and excellence of commodities that then so violently stirred the indignation of the English people? I believe, Sir, that I may safely take it for granted that the effect of monopoly generally is to make articles scarce, to make them dear, and to make them bad. And I may with equal safety challenge my honorable friend to find out any distinction between copyright and other privileges of the same kind; any reason why a monopoly of books should produce an effect directly the reverse of that which was produced by

the East India Company's monopoly of tea, or by Lord Essex's monopoly of sweet wines. Thus, then, stands the case. It is good that authors should be remunerated; and the least exceptionable way of remunerating them is by a monopoly. Yet monopoly is an evil. For the sake of the good we must submit to the evil; but the evil ought not to last a day longer than is necessary for the purpose of securing the good.

Now, I will not affirm, that the existing law is perfect, that it exactly hits the point at which the monopoly ought to cease; but this I confidently say, that the existing law is very much nearer that point than the law proposed by my honorable and learned friend. For consider this; the evil effects of the monopoly are proportioned to the length of its duration. But the good effects for the sake of which we bear with the evil effects are by no means proportioned to the length of its duration. A monopoly of sixty years produces twice as much evil as a monopoly of thirty years, and thrice as much evil as a monopoly of twenty years. But it is by no means the fact that a posthumous monopoly of sixty years gives to an author thrice as much pleasure and thrice as strong a motive as a posthumous monopoly of twenty years. On the contrary, the difference is so small as to be hardly perceptible. We all know how faintly we are affected by the prospect of very distant advantages, even when they are advantages which we may reasonably hope that we shall ourselves enjoy. But an advantage that is to be enjoyed more than half a century after we are dead, by somebody, we know not by whom, perhaps by somebody unborn, by somebody utterly unconnected with us, is really no motive at all to action. It is very probable, that in the course of some generations, land in the unexplored and unmapped heart of the Australasian continent, will be very valuable. But there is none of us who would lay down five pounds for a whole province in the heart of the Australasian continent.

We know, that neither we, nor anybody for whom we care, will ever receive a farthing of rent from such a province. And a man is very little moved by the thought that in the year 2000 or 2100, somebody who claims through him will employ more shepherds than Prince Esterhazy, and will have the finest house and gallery of pictures at Victoria or Sydney. Now, this is the sort of boon which my honorable and learned friend holds out to authors. Considered as a boon to them, it is a mere nullity; but, considered as an impost on the public, it is no nullity, but a very serious and pernicious reality. I will take an example. Dr. Johnson died fifty-six years ago. If the law were what my honorable and learned friend wishes to make it, somebody would now have the monopoly of Dr. Johnson's works. Who that somebody would be it is impossible to say; but we may venture to guess. I guess, then, that it would have been some bookseller, who was the assign of another bookseller, who was the grandson of a third bookseller, who had bought the copyright from Black Frank, the Doctor's servant and residuary legatee, in 1785 or 1786. Now, would the knowledge that this copyright would exist in 1841 have been a source of gratification to Johnson? Would it have stimulated his exertions? Would it have once drawn him out of his bed before noon? Would it have once cheered him under a fit of the spleen? Would it have induced him to give us one more allegory, one more life of a poet, one more imitation of Juvenal? I firmly believe not. I firmly believe that a hundred years ago, when he was writing our debates for the Gentleman's Magazine, he would very much rather have had twopence to buy a plate of shin of beef at a cook's shop underground. Considered as a reward to him, the difference between a twenty years' term and a sixty years' term of posthumous copyright would have been nothing or next to nothing. But is the difference nothing to us? I can buy Rasselas

for sixpence; I might have had to give five shillings for it. I can buy the Dictionary, the entire genuine Dictionary, for two guineas, perhaps for less; I might have had to give five or six guineas for it. Do I grudge this to a man like Dr. Johnson? Not at all. Show me that the prospect of this boon roused him to any vigorous effort, or sustained his spirits under depressing circumstances, and I am quite willing to pay the price of such an object, heavy as that price is. But what I do complain of is that my circumstances are to be worse, and Johnson's none the better; that I am to give five pounds for what to him was not worth a farthing.

The principle of copyright is this. It is a tax on readers for the purpose of giving a bounty to writers. The tax is an exceedingly bad one; it is a tax on one of the most innocent and most salutary of human pleasures; and never let us forget, that a tax on innocent pleasures is a premium on vicious pleasures. I admit, however, the necessity of giving a bounty to genius and learning. In order to give such a bounty, I willingly submit even to this severe and burdensome tax. Nay, I am ready to increase the tax, if it can be shown that by so doing I should proportionally increase the bounty. My complaint is, that my honorable and learned friend doubles, triples, quadruples, the tax, and makes scarcely any perceptible addition to the bounty. Why, Sir, what is the additional amount of taxation which would have been levied on the public for Dr. Johnson's works alone, if my honorable and learned friend's bill had been the law of the land? I have not data sufficient to form an opinion. But I am confident that the taxation on his Dictionary alone would have amounted to many thousands of pounds. In reckoning the whole additional sum which the holders of his copyrights would have taken out of the pockets of the public during the last half century at twenty thousand pounds, I feel satisfied that I very greatly

underrate it. Now, I again say that I think it but fair that we should pay twenty thousand pounds in consideration of twenty thousand pounds' worth of pleasure and encouragement received by Dr. Johnson. But I think it very hard that we should pay twenty thousand pounds for what he would not have valued at five shillings.

My honorable and learned friend dwells on the claims of the posterity of great writers. Undoubtedly, Sir, it would be very pleasing to see a descendant of Shakespcare living in opulence on the fruits of his great ancestor's genius. A house maintained in splendour by such a patrimony would be a more interesting and striking object than Blenheim is to us, or than Strathfieldsaye will be to our children. But, unhappily, it is scarcely possible that, under any system, such a thing can come to pass. My honorable and learned friend does not propose that copyright shall descend to the eldest son, or shall be bound up by irrevocable entail. It is to be merely personal property. It is therefore highly improbable that it will descend during sixty years or half that term from parent to child. The chance is that more people than one will have an interest in it. They will in all probability sell it and divide the proceeds. The price which a bookseller will give for it will bear no proportion to the sum which he will afterwards draw from the public, if his speculation proves successful. He will give little, if any thing, more for a term of sixty years than for a term of thirty or five and twenty. The present value of a distant advantage is always small; but when there is great room to doubt whether a distant advantage will be any advantage at all, the present value sinks to almost nothing. Such is the inconstancy of the public taste that no sensible man will venture to pronounce, with confidence, what the sale of any book published in our days will be in the years between 1890 and 1900. The whole fashion of thinking and writing has often undergone a change

in a much shorter period than that to which my honorable and learned friend would extend posthumous copyright. What would have been considered the best literary property in the earlier part of Charles the Second's reign? I imagine Cowley's poems. Overleap sixty years, and you are in the generation of which Pope asked, 'who now reads Cowley?' What works were ever expected with more impatience by the public than those of Lord Bolingbroke, which appeared, I think, in 1754. In 1814, no bookseller would have thanked you for the copyright of them all, if you had offered it to him for nothing. What would Paternoster Row give now for the copyright of Hayley's *Triumphs of Temper*, so much admired within the memory of many people still living? I say, therefore, that, from the very nature of literary property, it will almost always pass away from an author's family; and I say, that the price given for it to the family will bear a very small proportion to the tax which the purchaser, if his speculation turns out well, will in the course of a long series of years levy on the public.

If, Sir, I wished to find a strong and perfect illustration of the effects which I anticipate from long copyright, I should select,—my honorable and learned friend will be surprised,—I should select the case of Milton's granddaughter. As often as this bill has been under discussion, the fate of Milton's granddaughter has been brought forward by the advocates of monopoly. My honorable and learned friend has repeatedly told the story with great eloquence and effect. He has dilated on the sufferings, on the abject poverty, of this illfated woman, the last of an illustrious race. He tells us that, in the extremity of her distress, Garrick gave her a benefit, that Johnson wrote a prologue, and that the public contributed some hundreds of pounds. Was it fit, he asks, that she should receive, in this eleemosynary form, a small portion of what was in truth a debt? Why, he

asks, instead of obtaining a pittance from charity, did she not live in comfort and luxury on the proceeds of the sale of her ancestor's works? But, Sir, will my honorable and learned friend tell me that this event, which he has so often and so pathetically described, was caused by the shortness of the term of copyright? Why, at that time, the duration of copyright was longer than even he, at present, proposes to make it. The monopoly lasted not sixty years, but for ever. At the time at which Milton's granddaughter asked charity, Milton's works were the exclusive property of a bookseller. Within a few months of the day on which the benefit was given at Garrick's theatre, the holder of the copyright of *Paradise Lost*,—I think it was Tonson,—applied to the Court of Chancery for an injunction against a bookseller, who had published a cheap edition of the great epic poem, and obtained the injunction. The representation of *Comus* was, if I remember rightly, in 1750; the injunction in 1752. Here, then, is a perfect illustration of the effect of long copyright. Milton's works are the property of a single publisher. Everybody who wants them must buy them at Tonson's shop, and at Tonson's price. Whoever attempts to undersell Tonson is harassed with legal proceedings. Thousands who would gladly possess a copy of *Paradise Lost*, must forego that great enjoyment. And what, in the meantime, is the situation of the only person for whom we can suppose that the author, protected at such a cost to the public, was at all interested? She is reduced to utter destitution. Milton's works are under a monopoly. Milton's granddaughter is starving. The reader is pillaged; but the writer's family is not enriched. Society is taxed doubly. It has to give an exorbitant price for the poems; and it has at the same time to give alms to the only surviving descendant of the poet.

But this is not all. I think it right, Sir, to call the attention of the House to an evil, which is perhaps

more to be apprehended when an author's copyright remains in the hands of his family, than when it is transferred to booksellers. I seriously fear that, if such a measure as this should be adopted, many valuable works will be either totally suppressed or grievously mutilated. I can prove that this danger is not chimerical; and I am quite certain that, if the danger be real, the safeguards which my honorable and learned friend has devised are altogether nugatory. That the danger is not chimerical may easily be shown. Most of us, I am sure, have known persons who, very erroneously as I think, but from the best motives, would not choose to reprint Fielding's novels, or Gibbon's History of the Decline and Fall of the Roman Empire. Some gentlemen may perhaps be of opinion, that it would be as well if Tom Jones and Gibbon's History were never reprinted. I will not, then, dwell on these or similar cases. I will take cases respecting which it is not likely that there will be any difference of opinion here; cases, too, in which the danger of which I now speak is not matter of supposition, but matter of fact. Take Richardson's novels. Whatever I may, on the present occasion, think of my honorable and learned friend's judgment as a legislator, I must always respect his judgment as a critic. He will, I am sure, say that Richardson's novels are among the most valuable, among the most original works in our language. No writings have done more to raise the fame of English genius in foreign countries. No writings are more deeply pathetic. No writings, those of Shakespeare excepted, show more profound knowledge of the human heart. As to their moral tendency, I can cite the most respectable testimony. Dr. Johnson describes Richardson as one who had taught the passions to move at the command of virtue. My dear and honored friend, Mr. Wilberforce, in his celebrated religious treatise, when speaking of the unchristian tendency of the fashionable novels of the

eighteenth century, distinctly excepts Richardson from the censure. Another excellent person whom I can never mention without respect and kindness, Mrs. Hannah More, often declared in conversation, and has declared in one of her published poems, that she first learned from the writings of Richardson those principles of piety by which her life was guided. I may safely say that books celebrated as works of art through the whole civilised world, and praised for their moral tendency by Dr. Johnson, by Mr. Wilberforce, by Mrs. Hannah More, ought not to be suppressed. Sir, it is my firm belief, that if the law had been what my honorable and learned friend proposes to make it, they would have been suppressed. I remember Richardson's grandson well; he was a clergyman in the city of London; he was a most upright and excellent man; but he had conceived a strong prejudice against works of fiction. He thought all novel-reading not only frivolous but sinful. He said,—this I state on the authority of one of his clerical brethren who is now a bishop,—he said that he had never thought it right to read one of his grandfather's books. Suppose, Sir, that the law had been what my honorable and learned friend would make it. Suppose that the copyright of Richardson's novels had descended, as might well have been the case, to this gentleman. I firmly believe, that he would have thought it sinful to give them a wide circulation. I firmly believe, that he would not for a hundred thousand pounds have deliberately done what he thought sinful. He would not have reprinted them. And what protection does my honorable and learned friend give to the public in such a case? Why, Sir, what he proposes is this: if a book is not reprinted during five years, any person who wishes to reprint it may give notice in the London Gazette: the advertisement must be repeated three times: a year must elapse; and then, if the proprietor of the copyright does not put forth a

new edition, he loses his exclusive privilege. Now, what protection is this to the public? What is a new edition? Does the law define the number of copies that make an edition? Does it limit the price of a copy? Are twelve copies on large paper, charged at thirty guineas each, an edition? It has been usual, when monopolies have been granted, to prescribe numbers and to limit prices. But I do not find that my honorable and learned friend proposes to do so in the present case. And, without some such provision, the security which he offers is manifestly illusory. It is my conviction that, under such a system as that which he recommends to us, a copy of *Clarissa* would have been as rare as an Aldus or a Caxton.

I will give another instance. One of the most instructive, interesting, and delightful books in our language is Boswell's *Life of Johnson*. Now it is well known that Boswell's eldest son considered this book, considered the whole relation of Boswell to Johnson, as a blot in the escutcheon of the family. He thought, not perhaps altogether without reason, that his father had exhibited himself in a ludicrous and degrading light. And thus he became so sore and irritable that at last he could not bear to hear the *Life of Johnson* mentioned. Suppose that the law had been what my honorable and learned friend wishes to make it. Suppose that the copyright of Boswell's *Life of Johnson* had belonged, as it well might, during sixty years, to Boswell's eldest son. What would have been the consequence? An unadulterated copy of the finest biographical work in the world would have been as scarce as the first edition of Camden's *Britannia*.

These are strong cases. I have shown you that, if the law had been what you are now going to make it, the finest prose work of fiction in the language, the finest biographical work in the language, would very probably have been suppressed. But I have stated my case weakly. The books which I have mentioned are singularly inoffensive books, books not touching

on any of those questions which drive even wise men beyond the bounds of wisdom. There are books of a very different kind, books which are the rallying points of great political and religious parties. What is likely to happen if the copyright of one of these books should by descent or transfer come into the possession of some hostile zealot? I will take a single instance. It is only fifty years since John Wesley died; and all his works, if the law had been what my honorable and learned friend wishes to make it, would now have been the property of some person or other. The sect founded by Wesley is the most numerous, the wealthiest, the most powerful, the most zealous of sects. In every parliamentary election it is a matter of the greatest importance to obtain the support of the Wesleyan Methodists. Their numerical strength is reckoned by hundreds of thousands. They hold the memory of their founder in the greatest reverence; and not without reason, for he was unquestionably a great and a good man. To his authority they constantly appeal. His works are in their eyes of the highest value. His doctrinal writings they regard as containing the best system of theology ever deduced from Scripture. His journals, interesting even to the common reader, are peculiarly interesting to the Methodist: for they contain the whole history of that singular polity which, weak and despised in its beginning, is now, after the lapse of a century, so strong, so flourishing, and so formidable. The hymns to which he gave his Imprimatur are a most important part of the public worship of his followers. Now, suppose that the copyright of these works should belong to some person who holds the memory of Wesley and the doctrines and discipline of the Methodists in abhorrence. There are many such persons. The Ecclesiastical Courts are at this very time sitting on the case of a clergyman of the Established Church who refused Christian burial to a child baptized by a Methodist preacher. I took up

the other day a work which is considered as among the most respectable organs of a large and growing party in the Church of England, and there I saw John Wesley designated as a forsworn priest. Suppose that the works of Wesley were suppressed. Why, Sir, such a grievance would be enough to shake the foundations of Government. Let gentlemen who are attached to the Church reflect for a moment what their feelings would be if the Book of Common Prayer were not to be reprinted for thirty or forty years, if the price of a Book of Common Prayer were run up to five or ten guineas. And then let them determine whether they will pass a law under which it is possible, under which it is probable, that so intolerable a wrong may be done to some sect consisting of perhaps half a million of persons.

I am so sensible, Sir, of the kindness with which the House has listened to me, that I will not detain you longer. I will only say this, that if the measure before us should pass, and should produce one tenth part of the evil which it is calculated to produce, and which I fully expect it to produce, there will soon be a remedy, though of a very objectionable kind. Just as the absurd acts which prohibited the sale of game were virtually repealed by the poacher, just as many absurd revenue acts have been virtually repealed by the smuggler, so will this law be virtually repealed by piratical booksellers. At present the holder of copyright has the public feeling on his side. Those who invade copyright are regarded as knaves who take the bread out of the mouths of deserving men. Every body is well pleased to see them restrained by the law, and compelled to refund their illgotten gains. No tradesmen of good repute will have anything to do with such disgraceful transactions. Pass this law: and that feeling is at an end. Men very different from the present race of piratical booksellers will soon infringe this intolerable monopoly. Great masses of capital will be constantly employed in the violation

of the law. Every art will be employed to evade legal pursuit; and the whole nation will be in the plot. On which side indeed should the public sympathy be when the question is whether some book as popular as Robinson Crusoe, or the Pilgrim's Progress, shall be in every cottage, or whether it shall be confined to the libraries of the rich for the advantage of the great-grandson of a bookseller who, a hundred years before, drove a hard bargain for the copyright with the author when in great distress? Remember too that, when once it ceases to be considered as wrong and discreditable to invade literary property, no person can say where the invasion will stop. The public seldom makes nice distinctions. The wholesome copyright which now exists will share in the disgrace and danger of the new copyright which you are about to create. And you will find that, in attempting to impose unreasonable restraints on the reprinting of the works of the dead, you have, to a great extent, annulled those restraints which now prevent men from pillaging and defrauding the living. If I saw, Sir, any probability that this bill could be so amended in the Committee that my objections might be removed, I would not divide the House in this stage. But I am so fully convinced that no alteration which would not seem insupportable to my honorable and learned friend, could render his measure supportable to me, that I must move, though with regret, that this bill be read a second time this day six months.

*A Speech delivered in a Committee of
the House of Commons on the 6th of
April, 1842*

ON the third of March, 1842, Lord Mahon obtained permission to bring in a bill to amend the Law of Copyright. This bill extended the term of Copyright in a book to twenty-five years, reckoned from the death of the author.

On the sixth of April the House went into Committee on the bill, and Mr. Greene took the Chair. Several divisions took place, of which the result was that the plan suggested in the following Speech was, with some modifications, adopted.

MR. GREENE,

I have been amused and gratified by the remarks which my noble friend¹ has made on the arguments by which I prevailed on the last House of Commons to reject the bill introduced by a very able and accomplished man, Mr. Serjeant Talfourd. My noble friend has done me a high and rare honor. For this is, I believe, the first occasion on which a speech made in one Parliament has been answered in another. I should not find it difficult to vindicate the soundness of the reasons which I formerly urged, to set them in a clearer light, and to fortify them by additional facts. But it seems to me that we had better discuss the bill which is now on our table than the bill which was there fourteen months ago. Glad I am to find that there is a very wide difference between the two bills, and that my noble friend, though he has tried to refute my arguments, has acted as if he had been convinced by them. I objected to the term of sixty years as far too long. My noble friend has cut that term down to twenty-five years. I warned the House that, under the provisions of Mr. Serjeant Talfourd's bill, valuable works might not improbably

¹ Lord Mahon.

be suppressed by the representatives of authors. My noble friend has prepared a clause which, as he thinks, will guard against that danger. I will not therefore waste the time of the Committee by debating points which he has conceded, but will proceed at once to the proper business of this evening.

Sir, I have no objection to the principle of my noble friend's bill. Indeed, I had no objection to the principle of the bill of last year. I have long thought that the term of copyright ought to be extended. When Mr. Serjeant Talfourd moved for leave to bring in his bill, I did not oppose the motion. Indeed I meant to vote for the second reading, and to reserve what I had to say for the Committee. But the learned Serjeant left me no choice. He, in strong language, begged that nobody who was disposed to reduce the term of sixty years would divide with him. 'Do not', he said, 'give me your support if all that you mean to grant to men of letters is a miserable addition of fourteen or fifteen years to the present term. I do not wish for such support. I despise it.' Not wishing to obtrude on the learned Serjeant a support which he despised, I had no course left but to take the sense of the House on the second reading. The circumstances are now different. My noble friend's bill is not at present a good bill; but it may be improved into a very good bill; nor will he, I am persuaded, withdraw it if it should be so improved. He and I have the same object in view; but we differ as to the best mode of attaining that object. We are equally desirous to extend the protection now enjoyed by writers. In what way it may be extended with most benefit to them and with least inconvenience to the public, is the question.

The present state of the law is this. The author of a work has a certain copyright in that work for a term of twenty-eight years. If he should live more than twenty-eight years after the publication of

the work, he retains the copyright to the end of his life.

My noble friend does not propose to make any addition to the term of twenty-eight years. But he proposes that the copyright shall last twenty-five years after the author's death. Thus my noble friend makes no addition to that term which is certain, but makes a very large addition to that term which is uncertain.

My plan is different. I would make no addition to the uncertain term; but I would make a large addition to the certain term. I propose to add fourteen years to the twenty-eight years which the law now allows to an author. His copyright will, in this way, last till his death, or till the expiration of forty-two years, whichever shall first happen. And I think that I shall be able to prove to the satisfaction of the Committee that my plan will be more beneficial to literature and to literary men than the plan of my noble friend.

It must surely, Sir, be admitted that the protection which we give to books ought to be distributed as evenly as possible, that every book should have a fair share of that protection, and no book more than a fair share. It would evidently be absurd to put tickets into a wheel, with different numbers marked upon them, and to make writers draw, one a term of twenty-eight years, another a term of fifty, another a term of ninety. And yet this sort of lottery is what my noble friend proposes to establish. I know that we cannot altogether exclude chance. You have two terms of copyright; one certain, the other uncertain; and we cannot, I admit, get rid of the uncertain term. It is proper, no doubt, that an author's copyright should last during his life. But, Sir, though we cannot altogether exclude chance, we can very much diminish the share which chance must have in distributing the recompense which we wish to give to genius and learning. By every addition which we

make to the certain term we diminish the influence of chance; by every addition which we make to the uncertain term we increase the influence of chance. I shall make myself best understood by putting cases. Take two eminent female writers, who died within our own memory, Madame D'Arblay and Miss Austen. As the law now stands, Miss Austen's charming novels would have only from twenty-eight to thirty-three years of copyright. For that extraordinary woman died young: she died before her genius was fully appreciated by the world. Madame D'Arblay outlived the whole generation to which she belonged. The copyright of her celebrated novel, *Evelina*, lasted, under the present law, sixty-two years. Surely this inequality is sufficiently great, sixty-two years of copyright for *Evelina*, only twenty-eight for *Persuasion*. But to my noble friend this inequality seems not great enough. He proposes to add twenty-five years to Madame D'Arblay's term, and not a single day to Miss Austen's term. He would give to *Persuasion* a copyright of only twenty-eight years, as at present, and to *Evelina* a copyright more than three times as long, a copyright of eighty-seven years. Now, is this reasonable? See, on the other hand, the operation of my plan. I make no addition at all to Madame D'Arblay's term of sixty-two years, which is, in my opinion, quite long enough; but I extend Miss Austen's term to forty-two years, which is, in my opinion, not too much. You see, Sir, that at present chance has too much sway in this matter; that at present the protection which the state gives to letters is very unequally given. You see that if my noble friend's plan be adopted, more will be left to chance than under the present system, and you will have such inequalities as are unknown under the present system. You see also that, under the system which I recommend, we shall have, not perfect certainty, not perfect equality, but much less uncertainty and inequality than at present.

But this is not all. My noble friend's plan is not merely to institute a lottery in which some writers will draw prizes and some will draw blanks. It is much worse than this. His lottery is so contrived that, in the vast majority of cases, the blanks will fall to the best books, and the prizes to books of inferior merit.

Take Shakespeare. My noble friend gives a longer protection than I should give to *Love's Labour's Lost*, and *Pericles, Prince of Tyre*; but he gives a shorter protection than I should give to *Othello* and *Macbeth*.

Take Milton. Milton died in 1674. The copyrights of Milton's great works would, according to my noble friend's plan, expire in 1699. *Comus* appeared in 1634, the *Paradise Lost* in 1668. To *Comus*, then, my noble friend would give sixty-five years of copyright, and to the *Paradise Lost* only thirty-one years. Is that reasonable? *Comus* is a noble poem: but who would rank it with the *Paradise Lost*? My plan would give forty-two years both to the *Paradise Lost* and to *Comus*.

Let us pass on from Milton to Dryden. My noble friend would give more than sixty years of copyright to Dryden's worst works; to the encomiastic verses on Oliver Cromwell, to the *Wild Gallant*, to the *Rival Ladies*, to other wretched pieces as bad as anything written by Flecknoe or Settle: but for *Theodore and Honoria*, for *Tancred and Sigismunda*, for *Cimon and Iphigenia*, for *Palamon and Arcite*, for *Alexander's Feast*, my noble friend thinks a copyright of twenty-eight years sufficient. Of all Pope's works, that to which my noble friend would give the largest measure of protection is the volume of *Pastorals*, remarkable only as the production of a boy. Johnson's first work was a *Translation of a Book of Travels in Abyssinia*, published in 1735. It was so poorly executed that in his later years he did not like to hear it mentioned. Boswell once picked up a

copy of it, and told his friend that he had done so. 'Do not talk about it,' said Johnson: 'it is a thing to be forgotten.' To this performance my noble friend would give protection during the enormous term of seventy-five years. To the *Lives of the Poets* he would give protection during about thirty years. Well; take Henry Fielding; it matters not whom I take, but take Fielding. His early works are read only by the curious, and would not be read even by the curious, but for the fame which he acquired in the later part of his life by works of a very different kind. What is the value of the *Temple Beau*, of the *Intriguing Chambermaid*, of half a dozen other plays of which few gentlemen have even heard the names? Yet to these worthless pieces my noble friend would give a term of copyright longer by more than twenty years than that which he would give to *Tom Jones* and *Amelia*.

Go on to Burke. His little tract, entitled *The Vindication of Natural Society*, is certainly not without merit; but it would not be remembered in our days if it did not bear the name of Burke. To this tract my noble friend would give a copyright of near seventy years. But to the great work on the French Revolution, to the *Appeal from the New to the Old Whigs*, to the letters on the Regicide Peace, he would give a copyright of thirty years or little more.

And, Sir, observe that I am not selecting here and there extraordinary instances in order to make up the semblance of a case. I am taking the greatest names of our literature in chronological order. Go to other nations; go to remote ages; you will still find the general rule the same. There was no copyright at Athens or Rome; but the history of the Greek and Latin literature illustrates my argument quite as well as if copyright had existed in ancient times. Of all the plays of Sophocles, the one to which the plan of my noble friend would have given the most scanty recompense would have been that wonderful

masterpiece, the *Œdipus at Colonos*. Who would class together the Speech of Demosthenes against his Guardians, and the Speech for the Crown? My noble friend, indeed, would not class them together. For to the Speech against the Guardians he would give a copyright of near seventy years; and to the incomparable Speech for the Crown a copyright of less than half that length. Go to Rome. My noble friend would give more than twice as long a term to Cicero's juvenile declamation in defence of Roscius Amerinus as to the Second Philippic. Go to France; my noble friend would give a far longer term to Racine's *Frères Ennemis* than to *Athalie*, and to Molière's *Étourdi* than to *Tartuffe*. Go to Spain. My noble friend would give a longer term to forgotten works of Cervantes, works which nobody now reads, than to *Don Quixote*. Go to Germany. According to my noble friend's plan, of all the works of Schiller the *Robbers* would be the most favoured: of all the works of Goethe, the *Sorrows of Werter* would be the most favoured. I thank the Committee for listening so kindly to this long enumeration. Gentlemen will perceive, I am sure, that it is not from pedantry that I mention the names of so many books and authors. But just as, in our debates on civil affairs, we constantly draw illustrations from civil history, we must, in a debate about literary property, draw our illustrations from literary history. Now, Sir, I have, I think, shown from literary history that the effect of my noble friend's plan would be to give to crude and imperfect works, to third-rate and fourth-rate works, a great advantage over the highest productions of genius. It is impossible to account for the facts which I have laid before you by attributing them to mere accident. Their number is too great, their character too uniform. We must seek for some other explanation; and we shall easily find one.

It is the law of our nature that the mind shall attain its full power by slow degrees; and this is

especially true of the most vigorous minds. Young men, no doubt, have often produced works of great merit; but it would be impossible to name any writer of the first order whose juvenile performances were his best. That all the most valuable books of history, of philology, of physical and metaphysical science, of divinity, of political economy, have been produced by men of mature years will hardly be disputed. The case may not be quite so clear as respects works of the imagination. And yet I know no work of the imagination of the very highest class that was ever, in any age or country, produced by a man under thirty-five. Whatever powers a youth may have received from nature, it is impossible that his taste and judgment can be ripe, that his mind can be richly stored with images, that he can have observed the vicissitudes of life, that he can have studied the nicer shades of character. How, as Marmontel very sensibly said, is a person to paint portraits who has never seen faces? On the whole I believe that I may, without fear of contradiction, affirm this, that of the good books now extant in the world more than nineteen-twentieths were published after the writers had attained the age of forty. If this be so, it is evident that the plan of my noble friend is framed on a vicious principle. For, while he gives to juvenile productions a very much larger protection than they now enjoy, he does comparatively little for the works of men in the full maturity of their powers, and absolutely nothing for any work which is published during the last three years of the life of the writer. For, by the existing law, the copyright of such a work lasts twenty-eight years from the publication; and my noble friend gives only twenty-five years to be reckoned from the writer's death.

What I recommend is that the certain term, reckoned from the date of publication, shall be forty-two years instead of twenty-eight years. In this arrangement there is no uncertainty, no inequality.

The advantage which I propose to give will be the same to every book. No work will have so long a copyright as my noble friend gives to some books, or so short a copyright as he gives to others. No copyright will last ninety years. No copyright will end in twenty-eight years. To every book published in the course of the last seventeen years of a writer's life I give a longer term of copyright than my noble friend gives; and I am confident that no person versed in literary history will deny this,—that in general the most valuable works of an author are published in the course of the last seventeen years of his life. I will rapidly enumerate a few, and but a few, of the great works of English writers to which my plan is more favorable than my noble friend's plan. To *Lear*, to *Macbeth*, to *Othello*, to the *Fairy Queen*, to the *Paradise Lost*, to *Bacon's Novum Organum* and *De Augmentis*, to *Locke's Essay on the Human Understanding*, to *Clarendon's History*, to *Hume's History*, to *Gibbon's History*, to *Smith's Wealth of Nations*, to *Addison's Spectators*, to almost all the great works of *Burke*, to *Clarissa* and *Sir Charles Grandison*, to *Joseph Andrews*, *Tom Jones* and *Amelia*, and, with the single exception of *Waverley*, to all the novels of *Sir Walter Scott*, I give a longer term of copyright than my noble friend gives. Can he match that list? Does not that list contain what England has produced greatest in many various ways, poetry, philosophy, history, eloquence, wit, skilful portraiture of life and manners? I confidently therefore call on the Committee to take my plan in preference to the plan of my noble friend. I have shown that the protection which he proposes to give to letters is unequal, and unequal in the worst way. I have shown that his plan is to give protection to books in inverse proportion to their merit. I shall move when we come to the third clause of the bill to omit the words, 'twenty-five years,' and in a subsequent part of the same clause I shall move to substitute for

the words 'twenty-eight years' the words 'forty-two years.' I earnestly hope that the Committee will adopt these amendments; and I feel the firmest conviction that my noble friend's bill, so amended, will confer a great boon on men of letters with the smallest possible inconvenience to the public.

• *A Speech delivered in the House of
Commons on the 3rd of May, 1842*

ON the second of May, 1842, Mr. Thomas Duncombe, Member for Finsbury, presented a petition, very numerously signed, of which the prayer was as follows:

‘Your petitioners, therefore, exercising their just constitutional right, demand that your Honorable House, to remedy the many gross and manifest evils of which your petitioners complain, do immediately, without alteration, deduction, or addition, pass into a law the document entitled the People’s Charter.’

On the following day Mr. Thomas Duncombe moved that the petitioners should be heard by themselves or their Counsel at the Bar of the House. The following Speech was made in opposition to the motion.

The motion was rejected by 287 votes to 49.

I was particularly desirous to catch your eye this evening, because, when the motion of the honorable Member for Rochdale¹ was under discussion, I was unable to be in my place. I understand that, on that occasion, the absence of some members of the late Government was noticed in severe terms, and was attributed to discreditable motives. As for myself, Sir, I was prevented from coming down to the House by illness: a noble friend of mine, to whom particular allusion was made, was detained elsewhere by pure accident; and I am convinced that no member of the late administration was withheld by any unworthy feeling from avowing his opinions. My own opinions I could have no motive for disguising. They have been frequently avowed, and avowed before audiences which were not likely to regard them with much favour.

I should wish, Sir, to say what I have so say in the temperate tone which has with so much propriety been preserved by the right honorable Baronet the

¹ Mr. Sharman Crawford.

Secretary for the Home Department;¹ but, if I should use any warm expression, I trust the House will attribute it to the strength of my convictions and to my solicitude for the public interests. No person who knows me will, I am quite sure, suspect me of regarding the hundreds of thousands who have signed the petition which we are now considering, with any other feeling than cordial good will.

Sir, I cannot conscientiously assent to this motion. And yet I must admit that the honorable Member for Finsbury² has framed it with considerable skill. He has done his best to obtain the support of all those timid and interested politicians who think more about the security of their seats than about the security of their country. It would be very convenient to me to give a silent vote with him. I should then have it in my power to say to the Chartists of Edinburgh, 'When your petition was before the House I was on your side: I was for giving you a full hearing.' I should at the same time be able to assure my conservative constituents that I never had supported and never would support the Charter. But, Sir, though this course would be very convenient, it is one which my sense of duty will not suffer me to take. When questions of private right are before us, we hear, and we ought to hear, the arguments of the parties interested in those questions. But it has never been, and surely it ought not to be, our practice to grant a hearing to persons who petition for or against a law in which they have no other interest than that which is common between them and the whole nation. Of the many who petitioned against slavery, against the Roman Catholic claims, against the corn laws, none was suffered to harangue us at the bar in support of his views. If in the present case we depart from a general rule which every body must admit to be a very wholesome one, what inference can reasonably be drawn from our conduct, except this, that we

¹ Sir James Graham.

² Mr. Thomas Duncombe.

think the petition which we are now considering entitled to extraordinary respect, and that we have not fully made up our minds to refuse what the petitioners ask. Now, Sir, I have fully made up my mind to resist to the last the change which they urge us to make in the constitution of the kingdom. I therefore think that I should act disingenuously if I gave my voice for calling in orators whose eloquence, I am certain, will make no alteration in my opinion. I think too that if, after voting for hearing the petitioners, I should then vote against granting their prayer, I should give them just ground for accusing me of having first encouraged and then deserted them. That accusation, at least, they shall never bring against me.

The honorable Member for Westminster¹ has expressed a hope that the language of the petition will not be subjected to severe criticism. If he means literary criticism, I entirely agree with him. The style of this composition is safe from any censure of mine; but the substance it is absolutely necessary that we should closely examine. What the petitioners demand is this, that we do forthwith pass what is called the People's Charter into a law without alteration, diminution, or addition. This is the prayer in support of which the honorable Member for Finsbury would have us hear an argument at the bar. Is it then reasonable to say, as some gentlemen have said, that, in voting for the honorable Member's motion, they mean to vote merely for an inquiry into the causes of the public distress? If any gentleman thinks that an inquiry into the causes of the public distress would be useful, let him move for such an inquiry. I will not oppose it. But this petition does not tell us to inquire. It tells us that we are not to inquire. It directs us to pass a certain law word for word, and to pass it without the smallest delay.

¹ Mr. Leader.

I shall, Sir, notwithstanding the request or command of the petitioners, venture to exercise my right of free speech on the subject of the People's Charter. There is, among the six points of the Charter, one for which I have voted. There is another of which I decidedly approve. There are others as to which, though I do not agree with the petitioners, I could go some way to meet them. In fact, there is only one of the six points on which I am diametrically opposed to them: but unfortunately that point happens to be infinitely the most important of the six.

One of the six points is the ballot. I have voted for the ballot; and I have seen no reason to change my opinion on that subject.

Another point is the abolition of the pecuniary qualification for members of this House. On that point I cordially agree with the petitioners. You have established a sufficient pecuniary qualification for the elector; and it therefore seems to me quite superfluous to require a pecuniary qualification from the representative. Everybody knows that many English members have only fictitious qualifications, and that the members for Scotch cities and boroughs are not required to have any qualification at all. It is surely absurd to admit the representatives of Edinburgh and Glasgow without any qualification, and at the same time to require the representative of Finsbury or Marylebone to possess a qualification or the semblance of one. If the qualification really be a security for respectability, let that security be demanded from us who sit here for Scotch towns. If, as I believe, the qualification is no security at all, why should we require it from anybody? It is no part of the old constitution of the realm. It was first established in the reign of Anne. It was established by a bad parliament for a bad purpose. It was, in fact, part of a course of legislation which, if it had not been happily interrupted, would have ended in the repeal of the Toleration Act and of the Act of Settlement.

The Chartists demand annual parliaments. There, certainly, I differ from them: but I might, perhaps, be willing to consent to some compromise. I differ from them also as to the expediency of paying the representatives of the people, and of dividing the country into electoral districts. But I do not consider these matters as vital. The kingdom might, I acknowledge, be free, great, and happy, though the members of this House received salaries, and though the present boundaries of counties and boroughs were superseded by new lines of demarcation. These, Sir, are subordinate questions. I do not, of course, mean that they are not important. But they are subordinate when compared with that question which still remains to be considered. The essence of the Charter is universal suffrage. If you withhold that, it matters not very much what else you grant. If you grant that, it matters not at all what else you withhold. If you grant that, the country is lost.

I have no blind attachment to ancient usages. I altogether disclaim what has been nicknamed the doctrine of finality. I have said enough to-night to show that I do not consider the settlement made by the Reform Bill as one which can last for ever. I certainly do think that an extensive change in the polity of a nation must be attended with serious evils. Still those evils may be overbalanced by advantages: and I am perfectly ready, in every case, to weigh the evils against the advantages, and to judge as well I can which scale preponderates. I am bound by no tie to oppose any reform which I think likely to promote the public good. I will go so far as to say that I do not quite agree with those who think that they have proved the People's Charter to be absurd when they have proved that it is incompatible with the existence of the throne and of the peerage. For, though I am a faithful and loyal subject of Her Majesty, and though I sincerely wish to see the House of Lords powerful and respected, I cannot

consider either monarchy or aristocracy as the ends of Government. They are only means. Nations have flourished without hereditary sovereigns or assemblies of nobles; and, though I should be very sorry to see England a republic, I do not doubt that she might, as a republic, enjoy prosperity, tranquillity, and high consideration. The dread and aversion with which I regard universal suffrage would be greatly diminished, if I could believe that the worst effect which it would produce would be to give us an elective first magistrate and a senate instead of a Queen and a House of Peers. My firm conviction is that, in our country, universal suffrage is incompatible, not with this or that form of government, but with all forms of government, and with everything for the sake of which forms of government exist; that it is incompatible with property, and that it is consequently incompatible with civilisation.

It is not necessary for me in this place to go through the arguments which prove beyond dispute that on the security of property civilisation depends; that, where property is insecure, no climate however delicious, no soil however fertile, no conveniences for trade and navigation, no natural endowments of body or of mind, can prevent a nation from sinking into barbarism; that where, on the other hand, men are protected in the enjoyment of what has been created by their industry and laid up by their self-denial, society will advance in arts and in wealth notwithstanding the sterility of the earth and the inclemency of the air, notwithstanding heavy taxes and destructive wars. Those persons who say that England has been greatly misgoverned, that her legislation is defective, that her wealth has been squandered in unjust and impolitic contests with America and with France, do in fact bear the strongest testimony to the truth of my doctrine. For that our country has made and is making great progress in all that contributes to the material comfort of man is indisputable. If

that progress cannot be ascribed to the wisdom of the Government, to what can we ascribe it, but to the diligence, the energy, the thrift of individuals? And to what can we ascribe that diligence, that energy, that thrift, except to the security which property has during many generations enjoyed here? Such is the power of this great principle that, even in the last war, the most costly war, beyond all comparison, that ever was waged in this world, the Government could not lavish wealth so fast as the productive classes created it.

If it be admitted that on the institution of property the wellbeing of society depends, it follows surely that it would be madness to give supreme power in the state to a class which would not be likely to respect that institution. And, if this be conceded, it seems to me to follow that it would be madness to grant the prayer of this petition. I entertain no hope that, if we place the government of the kingdom in the hands of the majority of the males of one and twenty told by the head, the institution of property will be respected. If I am asked why I entertain no such hope, I answer, because the hundreds of thousands of males of twenty-one who have signed this petition tell me to entertain no such hope; because they tell me that, if I trust them with power, the first use they will make of it will be to plunder every man in the kingdom who has a good coat on his back and a good roof over his head. God forbid that I should put an unfair construction on their language! I will read their own words. This petition, be it remembered, is an authoritative declaration of the wishes of those who, if the Charter ever become law, will return the great majority of the House of Commons; and these are their words: 'Your petitioners complain, that they are enormously taxed to pay the interest of what is called the national debt, a debt amounting at present to eight hundred millions, being only a portion of the enormous amount ex-

pended in cruel and expensive wars for the suppression of all liberty by men not authorised by the people, and who consequently had no right to tax posterity for the outrages committed by them upon mankind.' If these words mean anything, they mean that the present generation is not bound to pay the public debt incurred by our rulers in past times, and that a national bankruptcy would be both just and politic. For my part, I believe it to be impossible to make any distinction between the right of a fundholder to his dividends and the right of a land-owner to his rents. And, to do the petitioners justice, I must say that they seem to be much of the same mind. They are for dealing with fundholder and landowner alike. They tell us that nothing will 'unshackle labour from its misery, until the people possess that power under which all monopoly and oppression must cease; and your petitioners respectfully mention the existing monopolies of the suffrage, of paper money, of machinery, of land, of the public press, of religion, of the means of travelling and transit, and a host of other evils too numerous to mention, all arising from class legislation.' Absurd as this hubbub of words is, part of it is intelligible enough. What can the monopoly of land mean, except property in land? The only monopoly of land which exists in England is this, that nobody can sell an acre of land which does not belong to him. And what can the monopoly of machinery mean but property in machinery? Another monopoly which is to cease is the monopoly of the means of travelling. In other words, all the canal property and railway property in the kingdom is to be confiscated. What other sense do the words bear? And these are only specimens of the reforms which, in the language of the petition, are to unshackle labour from its misery. There remains, it seems, a host of similar monopolies too numerous to mention; the monopoly, I presume, which a draper has of his own stock of cloth; the

monopoly which a hatter has of his own stock of hats; the monopoly which we all have of our furniture, bedding, and clothes. In short, the petitioners ask you to give them power in order that they may not leave a man of a hundred a year in the realm.

I am far from wishing to throw any blame on the ignorant crowds which have flocked to the tables where this petition was exhibited. Nothing is more natural than that the labouring people should be deceived by the arts of such men as the author of this absurd and wicked composition. We ourselves, with all our advantages of education, are often very credulous, very impatient, very shortsighted, when we are tried by pecuniary distress or bodily pain. We often resort to means of immediate relief which, as Reason tells us, if we would listen to her, are certain to aggravate our sufferings. Men of great abilities and knowledge have ruined their estates and their constitutions in this way. How then can we wonder that men less instructed than ourselves, and tried by privations such as we have never known, should be easily misled by mountebanks who promise impossibilities? Imagine a well meaning laborious mechanic fondly attached to his wife and children. Bad times come. He sees the wife whom he loves grow thinner and paler every day. His little ones cry for bread; and he has none to give them. Then come the professional agitators, the tempters, and tell him that there is enough and more than enough for everybody, and that he has too little only because landed gentlemen, fundholders, bankers, manufacturers, railway proprietors, shopkeepers, have too much. Is it strange that the poor man should be deluded, and should eagerly sign such a petition as this? The inequality with which wealth is distributed forces itself on everybody's notice. It is at once perceived by the eye. The reasons which irrefragably prove this inequality to be necessary to the wellbeing of all classes are not equally obvious. Our honest working

man has not received such an education as enables him to understand that the utmost distress that he has ever known is prosperity, when compared with the distress which he would have to endure if there were a single month of general anarchy and plunder. But you say, It is not the fault of the labourer that he is not well educated. Most true. It is not his fault. But, though he has no share in the fault, he will, if you are foolish enough to give him supreme power in the state, have a very large share of the punishment. You say that, if the Government had not culpably omitted to establish a good system of public instruction, the petitioners would have been fit for the elective franchise. But is that a reason for giving them the franchise when their own petition proves that they are not fit for it, when they give us fair notice that, if we let them have it, they will use it to our ruin and their own? It is not necessary now to inquire whether, with universal education, we could safely have universal suffrage. What we are asked to do is to give universal suffrage before there is universal education. Have I any unkind feeling towards these poor people? No more than I have to a sick friend who implores me to give him a glass of iced water which the physician has forbidden. No more than a humane collector in India has to those poor peasants who in a season of scarcity crowd round the granaries and beg with tears and piteous gestures that the doors may be opened and the rice distributed. I would not give the draught of water, because I know that it would be poison. I would not give up the keys of the granary, because I know that, by doing so, I should turn a scarcity into a famine. And in the same way I would not yield to the importunity of multitudes who, exasperated by suffering and blinded by ignorance, demand with wild vehemence the liberty to destroy themselves.

But it is said, You must not attach so much importance to this petition. It is very foolish, no doubt,

and disgraceful to the author, be he who he may. But you must not suppose that those who signed it approve of it. They have merely put their names or their marks without weighing the sense of the document which they subscribed. Surely, Sir, of all reasons that ever were given for receiving a petition with peculiar honors, the strangest is that it expresses sentiments diametrically opposed to the real sentiments of those who have signed it. And it is a not less strange reason for giving men supreme power in a state that they sign political manifestoes of the highest importance without taking the trouble to know what the contents are. But how is it possible for us to believe that, if the petitioners had the power which they demand, they would not use it as they threaten? During a long course of years, numerous speakers and writers, some of them ignorant, others dishonest, have been constantly representing the Government as able to do, and bound to do, things which no Government can, without great injury to the country, attempt to do. Every man of sense knows that the people support the Government. But the doctrine of the Chartist philosophers is that it is the business of the Government to support the people. It is supposed by many that our rulers possess, somewhere or other, an inexhaustible storehouse of all the necessities and conveniences of life, and, from mere hardheartedness, refuse to distribute the contents of this magazine among the poor. We have all of us read speeches and tracts in which it seemed to be taken for granted that we who sit here have the power of working miracles, of sending a shower of manna on the West Riding, of striking the earth and furnishing all the towns of Lancashire with abundance of pure water, of feeding all the cottonspinners and weavers who are out of work with five loaves and two fishes. There is not a working man who has not heard harangues and read newspapers in which these follies are taught. And do you

believe that as soon as you give the working men absolute and irresistible power they will forget all this? Yes, Sir, absolute and irresistible power. The Charter would give them no less. In every constituent body throughout the empire the working men will, if we grant the prayer of this petition, be an irresistible majority. In every constituent body capital will be placed at the feet of labour; knowledge will be borne down by ignorance; and is it possible to doubt what the result must be? The honorable Member for Bath¹ and the honorable Member for Rochdale are now considered as very democratic members of Parliament. They would occupy a very different position in a House of Commons elected by universal suffrage, if they succeeded in obtaining seats. They would, I believe, honestly oppose every attempt to rob the public creditor. They would manfully say 'Justice and the public good require that this sum of thirty millions a year should be paid;' and they would immediately be reviled as aristocrats, monopolists, oppressors of the poor, defenders of old abuses. And as to land, is it possible to believe that the millions who have been so long and loudly told that the land is their estate, and is wrongfully kept from them, should not, when they have supreme power, use that power to enforce what they think their rights? What could follow but one vast spoliation? One vast spoliation! That would be bad enough. That would be the greatest calamity that ever fell on our country. Yet would that a single vast spoliation were the worst! No, Sir; in the lowest deep there would be a lower deep. The first spoliation would not be the last. How could it? All the causes which had produced the first spoliation would still operate. They would operate more powerfully than before. The distress would be far greater than before. The fences which now protect property would all have been broken through, levelled, swept

¹ [J. A. Roebuck.]

away. The new proprietors would have no title to show to anything that they held except recent robbery. With what face then could they complain of being robbed? What would be the end of these things? Our experience, God be praised, does not enable us to predict it with certainty. We can only guess. My guess is that we should see something more horrible than can be imagined, something like the siege of Jerusalem on a far larger scale. There would be many millions of human beings, crowded in a narrow space, deprived of all those resources which alone had made it possible for them to exist in so narrow a space; trade gone; manufactures gone; credit gone. What could they do but fight for the mere sustenance of nature, and tear each other to pieces, till famine, and pestilence following in the train of famine, came to turn the terrible commotion into a more terrible repose? The best event, the very best event, that I can anticipate,—and what must the state of things be, if an Englishman and a Whig calls such an event the very best?—the very best event, I say, that I can anticipate is that out of the confusion a strong military despotism may arise, and that the sword, firmly grasped by some rough hand, may give a sort of protection to the miserable wreck of all that immense prosperity and glory. But, as to the noble institutions under which our country has made such progress in liberty, in wealth, in knowledge, in arts, do not deceive yourselves into the belief that we should ever see them again. We should never see them again. We should not deserve to see them. All those nations which envy our greatness would insult our downfall, a downfall which would be all our own work; and the history of our calamities would be told thus: England had institutions which, though imperfect, yet contained within themselves the means of remedying every imperfection; those institutions her legislators wantonly and madly threw away; nor could they urge in their excuse even the

wretched plea that they were deceived by false promises: for, in the very petition with the prayer of which they were weak enough to comply, they were told, in the plainest terms, that public ruin would be the effect of their compliance.

Thinking thus, Sir, I will oppose, with every faculty which God has given me, every motion which directly or indirectly tends to the granting of universal suffrage. This motion, I think, tends that way. If any gentleman here is prepared to vote for universal suffrage with a full view of all the consequences of universal suffrage as they are set forth in this petition, he acts with perfect consistency in voting for this motion. But, I must say, I heard with some surprise the honorable Baronet the Member for Leicester¹ say that, though he utterly disapproves of the petition, though he thinks of it just as I do, he wishes the petitioners to be heard at the bar in explanation of their opinions. I conceive that their opinions are quite sufficiently explained already; and to such opinions I am not disposed to pay any extraordinary mark of respect. I shall give a clear and conscientious vote against the motion of the honorable Member for Finsbury; and I conceive that the petitioners will have much less reason to complain of my open hostility, than of the conduct of the honorable Member, who tries to propitiate them by consenting to hear their oratory, but has fully made up his mind not to comply with their demands.

¹ Sir John Easthope.

A Speech delivered in the House of Commons on the 9th of March, 1843

ON the ninth of March, 1843, Mr. Vernon Smith, Member for Northampton, made the following motion:

'That this House, having regard to the high and important functions of the Governor General of India, the mixed character of the native population, and the recent measures of the Court of Directors for discontinuing any seeming sanction to idolatry in India, is of opinion that the conduct of Lord Ellenborough in issuing the General Orders of the sixteenth of November, 1842,¹ and in addressing the letter of the same date to all the chiefs, princes, and people of India, respecting the restoration of the gates of a temple to Somnauth, is unwise, indecorous, and reprehensible.'

Mr. Emerson Tennent, Secretary of the Board of Control, opposed the motion. In reply to him the following Speech was made.

The motion was rejected by 242 votes to 157.

[*Note.* The events referred to may be summarized thus:

1838 Oct. 1st. Auckland's proclamation dethroning Dost Muhammad of Afghanistan.

1839 Successful campaign. Kabul occupied.

1841 Afghan rising. Burnes and Macnaghton murdered: army of 16,000 under General Elphinstone captured or slain.

1842 Punitive expedition: captives recovered. Gates of Somnauth taken at Ghazni. They turned out to be of deal, and to have no connexion with Somnauth.

It must be remembered that dispatches might then take six months between London and India.]

IF the practice of the honorable gentleman, the Secretary of the Board of Control, had been in accordance with his precepts, if he had not, after exhorting us to confine ourselves strictly to the subject before us, rambled far from that subject, I should have refrained from all digression. For in truth

¹ [Ellenborough landed in India in 1842 and was recalled in 1844. Self-willed and theatrical, he was one of the ablest and most unpopular men ever sent to govern India.]

there is abundance to be said touching both the substance and the style of this Proclamation. I cannot, however, leave the honorable gentleman's peroration entirely unnoticed. But I assure him that I do not mean to wander from the question before us to any great distance or for any long time.

I cannot but wonder, Sir, that he who has, on this, as on former occasions, exhibited so much ability and acuteness, should have gravely represented it as a ground of complaint, that my right honorable friend the Member for Northampton has made this motion in the Governor General's absence. Does the honorable gentleman mean that this House is to be interdicted from ever considering in what manner Her Majesty's Asiatic subjects, a hundred millions in number, are governed? And how can we consider how they are governed without considering the conduct of him who is governing them? And how can we consider the conduct of him who is governing them, except in his absence? For my own part, I can say for myself, and I may, I doubt not, say for my right honorable friend the Member for Northampton, that we both of us wish, with all our hearts and souls, that we were discussing this question in the presence of Lord Ellenborough. Would to heaven, Sir, for the sake of the credit of England, and of the interests of India, that the noble lord were at this moment under our gallery! But, Sir, if there be any Governor who has no right to complain of remarks made on him in his absence, it is that Governor who, forgetting all official decorum, forgetting how important it is that, while the individuals who serve the State are changed, the State should preserve its identity, inserted in a public proclamation reflections on his predecessor, a predecessor of whom, on the present occasion, I will only say that his conduct had deserved a very different return. I am confident that no enemy of Lord Auckland, if Lord Auckland has an enemy in the House, will deny that, whatever

faults he may have committed, he was faultless with respect to Lord Ellenborough. No brother could have laboured more assiduously for the interests and the honor of a brother than Lord Auckland laboured to facilitate Lord Ellenborough's arduous task, to prepare for Lord Ellenborough the means of obtaining success and glory. And what was the requital? A proclamation by Lord Ellenborough, stigmatizing the conduct of Lord Auckland.¹ And, Sir, since the honorable gentleman, the Secretary of the Board of Control, has thought fit to divert the debate from its proper course, I will venture to request that he, or the honorable director who sits behind him,² will vouchsafe to give us some explanations on an important point to which allusion has been made. Lord Ellenborough has been accused of having publicly announced that our troops were about to evacuate Afghanistan before he had ascertained that our captive countrymen and countrywomen had been restored to liberty. This accusation, which is certainly a serious one, the honorable gentleman, the Secretary of the Board of Control, pronounces to be a mere calumny. Now, Sir, the proclamation which announces the withdrawing of the troops bears date the first of October, 1842. What I wish to know is, whether any member of the Government, or of the Court of Directors, will venture to affirm that on the first of October, 1842, the Governor General knew that the prisoners had been set at liberty? I believe that no member either of the Government or of the Court of Directors will venture to affirm any such thing. It seems certain that on the first of October the Governor General could not know that the prisoners were safe. Nevertheless, the honorable gentleman the Secretary of the Board of Control

¹ [Ellenborough's proclamation Oct. 1, 1842, referred to 'disasters unparalleled in their extent unless by the errors in which they originated'.]

² Sir James Hogg.

assures us that, when the proclamation was drawn up, the Governor General did know that the prisoners were safe. What is the inevitable consequence? It is this, that the date is a false date, that the proclamation was written after the first of October, and antedated. And for what reason was it antedated? I am almost ashamed to tell the House what I believe to have been the reason. I believe that Lord Ellenborough affixed the false date of the first of October to his proclamation because Lord Auckland's manifesto against Afghanistan was dated on the first of October. I believe that Lord Ellenborough wished to make the contrast between his own success and his predecessor's failure more striking, and that for the sake of this paltry, this childish, triumph, he antedated his proclamation, and made it appear to all Europe and all Asia that the English Government was indifferent to the fate of Englishmen and Englishwomen who were in a miserable captivity. If this be so, and I shall be surprised to hear any person deny that it is so, I must say that by this single act, by writing those words, the first of October, the Governor General proved himself to be a man of an ill regulated mind, a man unfit for high public trust.

I might, Sir, if I chose to follow the example of the honorable gentleman, the Secretary of the Board of Control, advert to many other matters. I might call the attention of the House to the systematic manner in which the Governor General has exerted himself to lower the character and to break the spirit of that civil service on the respectability and efficiency of which chiefly depends the happiness of a hundred millions of human beings. I might say much about the financial committee which he appointed in the hope of finding out blunders of his predecessor, but which at last found out no blunders except his own. But the question before us demands our attention. That question has two sides, a serious and a ludicrous side. Let us look first at the

serious side. Sir, I disclaim in the strongest manner all intention of raising any fanatical outcry or of lending aid to any fanatical project. I would very much rather be the victim of fanaticism than its tool. If Lord Ellenborough were called in question for having given an impartial protection to the professors of different religions, or for restraining unjustifiable excesses into which Christian missionaries might have been hurried by their zeal, I would, widely as I have always differed from him in politics, have stood up in his defence, though I had stood up alone. But the charge against Lord Ellenborough is that he has insulted the religion of his own country and the religion of millions of the Queen's Asiatic subjects in order to pay honor to an idol. And this the right honorable gentleman, the Secretary of the Board of Control, calls a trivial charge. Sir, I think it a very grave charge. Her Majesty is the ruler of a larger heathen population than the world ever saw collected under the sceptre of a Christian sovereign since the days of the Emperor Theodosius. What the conduct of rulers in such circumstances ought to be is one of the most important moral questions, one of the most important political questions, that it is possible to conceive. There are subject to the British rule in Asia a hundred millions of people who do not profess the Christian faith. The Mahometans are a minority: but their importance is much more than proportioned to their number: for they are an united, a zealous, an ambitious, a warlike class. The great majority of the population of India consists of idolaters, blindly attached to doctrines and rites which, considered merely with reference to the temporal interests of mankind, are in the highest degree pernicious. In no part of the world has a religion ever existed more unfavourable to the moral and intellectual health of our race. The Brahminical mythology is so absurd that it necessarily debases every mind which receives it as truth; and with this

absurd mythology is bound up an absurd system of physics, an absurd geography, an absurd astronomy. Nor is this form of Paganism more favourable to art than to science. Through the whole Hindoo Pantheon you will look in vain for anything resembling those beautiful and majestic forms which stood in the shrines of ancient Greece. All is hideous, and grotesque, and ignoble. As this superstition is of all superstitions the most irrational, and of all superstitions the most inelegant, so is it of all superstitions the most immoral. Emblems of vice are objects of public worship. Acts of vice are acts of public worship. The courtesans are as much a part of the establishment of the temple, as much ministers of the god, as the priests. Crimes against life, crimes against property, are not only permitted but enjoined by this odious theology. But for our interference human victims would still be offered to the Ganges, and the widow would still be laid on the pile with the corpse of her husband, and burned alive by her own children. It is by the command and under the especial protection of one of the most powerful goddesses that the Thugs join themselves to the unsuspecting traveller, make friends with him, slip the noose round his neck, plunge their knives in his eyes, hide him in the earth, and divide his money and baggage. I have read many examinations of Thugs; and I particularly remember an altercation which took place between two of those wretches in the presence of an English officer. One Thug reproached the other for having been so irreligious as to spare the life of a traveller when the omens indicated that their patroness required a victim. 'How could you let him go? How can you expect the goddess to protect us if you disobey her commands? That is one of your North country heresies.' Now, Sir, it is a difficult matter to determine in what way Christian rulers ought to deal with such superstitions as these. We might have acted as the

Spaniards acted in the New World. We might have attempted to introduce our own religion by force. We might have sent missionaries among the natives at the public charge. We might have held out hopes of public employment to converts, and have imposed civil disabilities on Mahometans and Pagans. But we did none of these things; and herein we judged wisely. Our duty, as rulers, was to preserve strict neutrality on all questions merely religious: and I am not aware that we have ever swerved from strict neutrality for the purpose of making proselytes to our own faith. But we have, I am sorry to say, sometimes deviated from the right path in the opposite direction. Some Englishmen, who have held high office in India, seem to have thought that the only religion which was not entitled to toleration and to respect was Christianity. They regarded every Christian missionary with extreme jealousy and disdain; and they suffered the most atrocious crimes, if enjoined by the Hindoo superstition, to be perpetrated in open day. It is lamentable to think how long after our power was firmly established in Bengal, we, grossly neglecting the first and plainest duty of the civil magistrate, suffered the practices of infanticide and Suttee to continue unchecked. We decorated the temples of the false gods. We provided the dancing girls. We gilded and painted the images to which our ignorant subjects bowed down. We repaired and embellished the car under the wheels of which crazy devotees flung themselves at every festival to be crushed to death. We sent guards of honor to escort pilgrims to the places of worship. We actually made oblations at the shrines of idols. All this was considered, and is still considered, by some prejudiced Anglo-Indians of the old school, as profound policy. I believe that there never was so shallow, so senseless a policy. We gained nothing by it. We lowered ourselves in the eyes of those whom we meant to flatter. We led them to believe

that we attached no importance to the difference between Christianity and heathenism. Yet how vast that difference is! I altogether abstain from alluding to topics which belong to divines. I speak merely as a politician anxious for the morality and the temporal well being of society. And, so speaking, I say that to countenance the Brahminical idolatry, and to discountenance that religion which has done so much to promote justice, and mercy, and freedom, and arts, and sciences, and good government, and domestic happiness, which has struck off the chains of the slave, which has mitigated the horrors of war, which has raised women from servants and playthings into companions and friends, is to commit high treason against humanity and civilisation.

Gradually a better system was introduced. A great man whom we have lately lost, Lord Wellesley, led the way. He prohibited the immolation of female children; and this was the most unquestionable of all his titles to the gratitude of his country. In the year 1813 Parliament gave new facilities to persons who were desirous to proceed to India as missionaries. Lord William Bentinck abolished the Suttee. Shortly afterwards the Home Government sent out to Calcutta the important and valuable despatch to which reference has been repeatedly made in the course of this discussion. That despatch Lord Glenelg wrote,—I was then at the Board of Control, and can attest the fact,—with his own hand. One paragraph, the sixty-second, is of the highest moment. I know that paragraph so well that I could repeat it word for word. It contains in short compass an entire code of regulations for the guidance of British functionaries in matters relating to the idolatry of India. The orders of the Home Government were express, that the arrangements of the temples should be left entirely to the natives. A certain discretion was of course left to the local

authorities as to the time and manner of dissolving that connection which had long existed between the English Government and the Brahminical superstition. But the principle was laid down in the clearest manner. This was in February, 1833. In the year 1838 another despatch was sent, which referred to the sixty-second paragraph of Lord Glenelg's despatch, and enjoined the Indian Government to observe the rules contained in that paragraph. Again, in the year 1841, precise orders were sent out on the same subject, orders which Lord Ellenborough seems to me to have studied carefully for the express purpose of disobeying them point by point, and in the most direct manner. You murmur: but only look at the orders of the Directors and at the proclamation of the Governor General. The orders are, distinctly and positively, that the British authorities in India shall have nothing to do with the temples of the natives, shall make no presents to those temples, shall not decorate those temples, shall not pay any military honor to those temples. Now, Sir, the first charge which I bring against Lord Ellenborough is, that he has been guilty of an act of gross disobedience, that he has done that which was forbidden in the strongest terms by those from whom his power is derived. The Home Government says, Do not interfere in the concerns of heathen temples. Is it denied that Lord Ellenborough has interfered in the concerns of a heathen temple? The Home Government says, Make no presents to heathen temples. Is it denied that Lord Ellenborough has proclaimed to all the world his intention to make a present to a heathen temple? The Home Government says, Do not decorate heathen temples. Is it denied that Lord Ellenborough has proclaimed to all the world his intention to decorate a heathen temple? The Home Government says, Do not send troops to do honor to heathen temples. Is it denied that Lord Ellenborough sent a body of troops to escort these gates

to a heathen temple? To be sure, the honorable gentleman, the Secretary of the Board of Control tries to get rid of this part of the case in rather a whimsical manner. He says that it is impossible to believe that, by sending troops to escort the gates, Lord Ellenborough can have meant to pay any mark of respect to an idol. And why? Because, says the honorable gentleman, the Court of Directors had given positive orders that troops should not be employed to pay marks of respect to idols. Why, Sir, undoubtedly, if it is to be taken for granted that Lord Ellenborough is a perfect man, if all our reasonings are to proceed on the supposition that he cannot do wrong, then I admit the force of the honorable gentleman's argument. But it seems to me a strange and a dangerous thing to infer a man's innocence merely from the flagrancy of his guilt. It is certain that the Home authorities ordered the Governor General not to employ the troops in the service of a temple. It is certain that Lord Ellenborough employed the troops to escort a trophy, an oblation, which he sent to the restored temple of Somnauth. Yes, the restored temple of Somnauth. Those are his lordship's words. They have given rise to some discussion, and seem not to be understood by everybody in the same sense. We all know that this temple is in ruins. I am confident that Lord Ellenborough knew it to be in ruins, and that his intention was to rebuild it at the public charge. That is the obvious meaning of his words. But, as this meaning is so monstrous that nobody here can venture to defend it, his friends pretend that he believed the temple to have been already restored, and that he had no thought of being himself the restorer. How can I believe this? How can I believe that, when he issued this proclamation, he knew nothing about the state of the temple to which he proposed to make an offering of such importance? He evidently knew that it had once been in ruins; or he would not have

called it the restored temple. Why am I to suppose that he imagined it to have been rebuilt? He had people about him who knew it well, and who could have told him that it was in ruins still. To say that he was not aware that it was in ruins is to say that he put forth this proclamation without taking the trouble to ask a single question of those who were close at hand and were perfectly competent to give him information. Why, Sir, this defence is itself an accusation. I defy the honorable gentleman, the Secretary of the Board of Control, I defy all human ingenuity, to get his lordship clear off from both the horns of this dilemma. Either way, he richly deserves a parliamentary censure. Either he published this proclamation in the recklessness of utter ignorance without making the smallest inquiry; or else he, an English and a Christian Governor, meant to build a temple to a heathen god at the public charge, in direct defiance of the commands of his official superiors. Turn and twist the matter which way you will, you can make nothing else of it. The stain is like the stain on Blue Beard's key, in the nursery tale. As soon as you have scoured one side clean, the spot comes out on the other.

So much for the first charge, the charge of disobedience. It is fully made out: but it is not the heaviest charge which I bring against Lord Ellenborough. I charge him with having done that which, even if it had not been, as it was, strictly forbidden by the Home authorities, it would still have been a high crime to do. He ought to have known, without any instructions from home, that it was his duty not to take part in disputes among the false religions of the East; that it was his duty, in his official character, to show no marked preference for any of those religions, and to offer no marked insult to any. But, Sir, he has paid unseemly homage to one of those religions; he has grossly insulted another; and he has selected as the object of his homage the very worst and

most degrading of those religions, and as the object of his insults the best and purest of them. The homage was paid to Lingamism. The insult was offered to Mahometanism. Lingamism is not merely idolatry, but idolatry in its most pernicious form. The honorable gentleman, the Secretary of the Board of Control, seemed to think that he had achieved a great victory when he had made out that his lordship's devotions had been paid, not to Vishnu, but to Siva. Sir, Vishnu is the preserving Deity of the Hindoo Mythology; Siva is the destroying Deity; and, as far as I have any preference for one of your Governor General's gods over another, I confess that my own tastes would lead me to prefer the preserving to the destroying power. Yes, Sir; the temple of Somnauth was sacred to Siva; and the honorable gentleman cannot but know by what emblem Siva is represented, and with what rites he is adored. I will say no more. The Governor General, Sir, is in some degree protected by the very magnitude of his offence. I am ashamed to name those things to which he is not ashamed to pay public reverence. This god of destruction, whose images and whose worship it would be a violation of decency to describe, is selected as the object of homage. As the object of insult is selected a religion which has borrowed much of its theology and much of its morality from Christianity, a religion which in the midst of Polytheism teaches the unity of God, and, in the midst of idolatry, strictly proscribes the worship of images. The duty of our Government is, as I said, to take no part in the disputes between Mahometans and idolaters. But, if our Government does take a part, there cannot be a doubt that Mahometanism is entitled to the preference. Lord Ellenborough is of a different opinion. He takes away the gates from a Mahometan mosque, and solemnly offers them as a gift to a Pagan temple. Morally, this is a crime. Politically, it is a blunder.

Nobody who knows anything of the Mahometans of India can doubt that this affront to their faith will excite their fiercest indignation. Their susceptibility on such points is extreme. Some of the most serious disasters that have ever befallen us in India have been caused by that susceptibility. Remember what happened at Vellore in 1806, and more recently at Bangalore. The mutiny of Vellore was caused by a slight shown to the Mahometan turban; the mutiny of Bangalore by disrespect said to have been shown to a Mahometan place of worship. If a Governor General had been induced by his zeal for Christianity to offer any affront to a mosque held in high veneration by Mussulmans, I should think that he had been guilty of indiscretion such as proved him to be unfit for his post. But to affront a mosque of peculiar dignity, not from zeal for Christianity, but for the sake of this loathsome god of destruction, is nothing short of madness. Some temporary popularity Lord Ellenborough may no doubt gain in some quarters. I hear, and I can well believe, that some bigoted Hindoos have hailed this proclamation with delight, and have begun to entertain a hope that the British Government is about to take their worship under its peculiar protection. But how long will that hope last? I presume that the right honorable Baronet, the First Lord of the Treasury, does not mean to suffer India to be governed on Brahminical principles. I presume that he will not allow the public revenue to be expended in rebuilding temples, adorning idols, and hiring courtesans. I have no doubt that there is already on the way to India such an admonition as will prevent Lord Ellenborough from persisting in the course on which he has entered. The consequence will be that the exultation of the Brahmins will end in mortification and anger. See then of what a complication of faults the Governor General is guilty. In order to curry favour with the Hindoos he has offered an

inexpiable insult to the Mahometans; and now, in order to quiet the English, he is forced to disappoint and disgust the Hindoos. But, apart from the irritating effect which these transactions must produce on every part of the native population, is it no evil to have this continual wavering and changing? This is not the only case in which Lord Ellenborough has, with great pomp, announced intentions which he has not been able to carry into effect. It is his lordship's habit. He put forth a notification that his Durbar was to be honored by the presence of Dost Mahomed. Then came a notification that Dost Mahomed would not make his appearance there. In the proclamation which we are now considering his lordship announced to all the princes of India his resolution to set up these gates at Somnauth. The gates, it is now universally admitted, will not be set up there. All India will see that the Governor General has changed his mind. The change may be imputed to mere fickleness and levity. It may be imputed to the disapprobation with which his conduct has been regarded here. In either case he appears in a light in which it is much to be deplored that a Governor General should appear.

So much for the serious side of this business; and now for the ludicrous side. Even in our mirth, however, there is sadness; for it is no light thing that he who represents the British nation in India should be a jest to the people of India. We have sometimes sent them governors whom they loved, and sometimes governors whom they feared; but they never before had a governor at whom they laughed. Now, however, they laugh; and how can we blame them for laughing, when all Europe and all America are laughing too? You see, Sir, that the gentlemen opposite cannot keep their countenances. And no wonder. Was such a State paper ever seen in our language before? And what is the plea set up for all this bombast? Why, the honorable gentleman, the

Secretary of the Board of Control, brings down to the House some translations of Persian letters from native princes. Such letters, as every body knows, are written in a most absurd and turgid style. The honorable gentleman forces us to hear a good deal of this detestable rhetoric; and then he asks why, if the secretaries of the Nizam and of the King of Oude use all these tropes and hyperboles, Lord Ellenborough should not indulge in the same sort of eloquence? The honorable gentleman might as well ask why Lord Ellenborough should not sit cross-legged, why he should not let his beard grow to his waist, why he should not wear a turban, why he should not hang trinkets all about his person, why he should not ride about Calcutta on a horse jingling with bells and glittering with false pearls. The native princes do these things; and why should not he? Why, Sir, simply because he is not a native prince, but an English Governor General. When the people of India see a Nabob or a Rajah in all his gaudy finery, they bow to him with a certain respect. They know that the splendour of his garb indicates superior rank and wealth. But if Sir Charles Metcalfe¹ had so bedizened himself, they would have thought that he was out of his wits. They are not such fools as the honorable gentleman takes them for. Simplicity is not their fashion. But they understand and respect the simplicity of our fashions. Our plain clothing commands far more reverence than all the jewels which the most tawdry Zemindar wears; and our plain language carries with it far more weight than the florid diction of the most ingenious Persian scribe. The plain language and the plain clothing are inseparably associated in the minds of our subjects with superior knowledge, with superior energy, with superior veracity, with all the high and commanding qualities which erected, and

¹ [Acting Governor-General before Auckland's arrival in 1836. He had then had 35 years' Indian experience.]

which still uphold, our empire. Sir, if, as the speech of the honorable gentleman, the Secretary of the Board of Control, seems to indicate, Lord Ellenborough has adopted this style on principle, if it be his lordship's deliberate intention to mimic, in his State papers, the Asiatic modes of thought and expression, that alone would be a reason for recalling him. But the honorable gentleman is mistaken in thinking that this proclamation is in the Oriental taste. It bears no resemblance to the very bad Oriental compositions which he has read to us, nor to any other Oriental compositions that I ever saw. It is neither English nor Indian. It is not original, however; and I will tell the House where the Governor General found his models. He has apparently been studying the rants of the French Jacobins during the period of their ascendancy, the Carmagnoles of the Convention, the proclamations issued by the Directory and its Proconsuls: and he has been seized with a desire to imitate those compositions. The pattern which he seems to have especially proposed to himself is the *rodomontade* in which it was announced that the modern Gauls were marching to Rome in order to avenge the fate of Dumnorix and Vercingetorix. Every body remembers those lines in which revolutionary justice is described by Mr. Canning:—

‘Not she in British courts who takes her stand,
The dawdling balance dangling in her hand;
But firm, erect, with keen reverted glance,
The avenging angel of regenerate France,
Who visits ancient sins on modern times,
And punishes the Pope for Cæsar’s crimes.’

In the same spirit and in the same style our Governor General has proclaimed his intention to retaliate on the Mussulmans beyond the mountains the insults which their ancestors, eight hundred years ago, offered to the idolatry of the Hindoos. To do justice to the Jacobins, however, I must say

that they had an excuse which was wanting to the noble lord. The revolution had made almost as great a change in literary tastes as in political institutions. The old masters of French eloquence had shared the fate of the old states and of the old parliaments. The highest posts in the administration were filled by persons who had no experience of affairs, who in the general confusion had raised themselves by audacity and quickness of natural parts, uneducated men or half educated men, who had no notion that the style in which they had heard the heroes and villains of tragedies declaim on the stage was not the style of real warriors and statesmen. But was it for an English gentleman, a man of distinguished abilities and cultivated mind, a man who had sate many years in parliament, and filled some of the highest posts in the state, to copy the productions of such a school?

But, it is said, what does it matter if the noble lord has written a foolish rhapsody which is neither prose nor verse? Is affected phrascology a subject for parliamentary censure? What great ruler can be named who has not committed errors much more serious than the penning of a few sentences of turgid nonsense? This, I admit, sounds plausible. It is quite true that very eminent men, Lord Somers, for example, Sir Robert Walpole, Lord Chatham and his son, all committed faults which did much more harm than any fault of style can do. But I beg the House to observe this, that an error which produces the most serious consequences may not necessarily prove that the man who has committed it is not a very wise man; and that, on the other hand, an error which directly produces no important consequences may prove the man who has committed it to be quite unfit for public trust. Walpole committed a ruinous error when he yielded to the public cry for war with Spain. But, notwithstanding that error, he was an eminently wise man. Caligula, on the other hand,

when he marched his soldiers to the beach, made them fill their helmets with cockle shells, and sent the shells to be placed in the Capitol as trophies of his conquests, did no great harm to anybody; but he surely proved that he was quite incapable of governing an empire. Mr. Pitt's expedition to Quiberon was most ill judged, and ended in defeat and disgrace. Yet Mr. Pitt was a statesman of a very high order. On the other hand, such ukases as those by which the Emperor Paul used to regulate the dress of the people of Petersburg, though they caused much less misery than the slaughter at Quiberon, proved that the Emperor Paul could not safely be trusted with power over his fellow creatures. One day he forbade the wearing of pantaloons. Another day he forbade his subjects to comb their hair over their foreheads. Then he proscribed round hats. A young Englishman, the son of a merchant, thought to evade this decree by going about the city in a hunting cap. Then came out an edict which made it penal to wear on the head a round thing such as the English merchant's son wore. Now, Sir, I say that, when I examine the substance of Lord Ellenborough's proclamation, and consider all the consequences which that paper is likely to produce, I am forced to say that he has committed a grave moral and political offence. When I examine the style, I see that he has committed an act of eccentric folly, much of the same kind with Caligula's campaign against the cockles, and with the Emperor Paul's ukase against round hats. Consider what an extravagant self-confidence, what a disdain for the examples of his great predecessors and for the opinions of the ablest and most experienced men who are now to be found in the Indian services, this strange document indicates. Surely it might have occurred to Lord Ellenborough that, if this kind of eloquence had been likely to produce a favourable impression on the minds of Asiatics, such Governors as Warren

Hastings, Mr. Elphinstone,¹ Sir Thomas Munro,² and Sir Charles Metcalfe, men who were as familiar with the language and manners of the native population of India as any man here can be with the language and manners of the French, would not have left the discovery to be made by a new comer who did not know any Eastern tongue. Surely too it might have occurred to the noble lord that, before he put forth such a proclamation, he would do well to ask some person who knew India intimately what the effect both on the Mahometans and Hindoos was likely to be. I firmly believe that the Governor General either did not ask advice or acted in direct opposition to advice. Mr. Maddock was with his lordship as acting Secretary. Now I know enough of Mr. Maddock to be quite certain that he never counselled the Governor General to publish such a paper. I will pawn my life that he either was never called upon to give an opinion, or that he gave an opinion adverse to the course which has been taken. No Governor General who was on good terms with the civil service would have been, I may say, permitted to expose himself thus. Lord William Bentinck and Lord Auckland were, to be sure, the last men in the world to think of doing such a thing as this. But if either of those noble lords, at some unlucky moment when he was not quite himself, when his mind was thrown off the balance by the pride and delight of an extraordinary success, had proposed to put forth such a proclamation, he would have been saved from committing so great a mistake by the respectful but earnest remonstrances of those in whom he placed confidence, and who were solicitous for his honor. From the appearance of this proclamation, therefore, I infer that the terms

¹ [Mountstuart Elphinstone: governor of Bombay: served in India, 1796-1827, and refused the post of Governor General.]

² [Thomas Munro: had forty years' experience in India: governor of Madras from 1819 to 1827.]

on which Lord Ellenborough is with the civil servants of the Company are such that those servants could not venture to offer him counsel when he most needed it.

For these reasons, Sir, I think the noble lord unfit for high public trust. Let us, then, consider the nature of the public trust which is now reposed in him. Are gentlemen aware that, even when he is at Calcutta, surrounded by his councillors, his single voice can carry any resolution concerning the executive administration against them all? They can object: they can protest: they can record their opinions in writing, and can require him to give in writing his reasons for persisting in his own course: but they must then submit. On the most important questions, on the question whether a war shall be declared, on the question whether a treaty shall be concluded, on the question whether the whole system of land revenue established in a great province shall be changed, his single vote weighs down the votes of all who sit at the Board with him. The right honorable Baronet opposite is a powerful minister, a more powerful minister than any that we have seen during many years. But I will venture to say that his power over the people of England is nothing when compared with the power which the Governor General possesses over the people of India. Such is Lord Ellenborough's power when he is with his council, and is to some extent held in check. But where is he now? He has given his council the slip. He is alone. He has near him no person who is entitled and bound to offer advice, asked or unasked: he asks no advice: and you cannot expect men to outstep the strict line of their official duty by obtruding advice on a superior by whom it would be ungraciously received. The danger of having a rash and flighty Governor General is sufficiently serious, at the very best. But the danger of having such a Governor General up the country,

eight or nine hundred miles from any person who has a right to remonstrate with him, is fearful indeed. Interests so vast, that the most sober language in which they can be described sounds hyperbolic, are entrusted to a single man; to a man who, whatever his parts may be, and they are doubtless considerable, has shown an indiscretion and temerity almost beyond belief; to a man who has been only a few months in India; to a man who takes no counsel with those who are well acquainted with India.

I cannot sit down without addressing myself to those Directors of the East India Company who are present. I exhort them to consider the heavy responsibility which rests on them. They have the power to recall Lord Ellenborough; and I trust that they will not hesitate to exercise that power. This is the advice of one who has been their servant, who has served them loyally, and who is still sincerely anxious for their credit and for the welfare of the empire of which they are the guardians. But if, from whatever cause, they are unwilling to recall the noble lord, then I implore them to take care that he be immediately ordered to return to Calcutta. Who can say what new freak we may hear of by the next mail? I am quite confident that neither the Court of Directors nor Her Majesty's Ministers can look forward to the arrival of that mail without great uneasiness. Therefore I say, send Lord Ellenborough back to Calcutta. There at least he will find persons who have a right to advise him and to expostulate with him, and who will, I doubt not, have also the spirit to do so. It is something that he will be forced to record his reasons for what he does. It is something that he will be forced to hear reasons against his propositions. It is something that a delay, though only of twenty-four hours, will be interposed between the first conception of a wild scheme and the execution. I am afraid that these checks will not be sufficient to prevent much evil: but they are not

absolutely nugatory. I intreat the Directors to consider in what a position they will stand if, in consequence of their neglect, some serious calamity should befall the country which is confided to their care. I will only say, in conclusion, that, if there be any use in having a Council of India, if it be not meant that the members of Council should draw large salaries for doing nothing, if they are really appointed for the purpose of assisting and restraining the Governor, it is to the last degree absurd that their powers should be in abeyance when there is a Governor who, of all the Governors that ever England sent to the East, stands most in need both of assistance and of restraint.

*A Speech delivered in the House of
Commons on the 6th of June, 1844*

AN attempt having been made to deprive certain dissenting congregations of property which they had long enjoyed, on the ground that they did not hold the same religious opinions that had been held by the purchasers from whom they derived their title to that property, the Government of Sir Robert Peel brought in a bill fixing a time of limitation in such cases. The time fixed was twenty-five years.

The bill, having passed the Lords, came down to the House of Commons. On the sixth of June, 1844, the second reading was moved by the Attorney General, Sir William Follett. Sir Robert Inglis, Member for the University of Oxford, moved that the bill should be read a second time that day six months; and the amendment was seconded by Mr. Plumptre, Member for Kent. Early in the debate the following Speech was made.

The second reading was carried by 307 votes to 117.

IF, Sir, I should unhappily fail in preserving that tone in which the question before us ought to be debated, it will assuredly not be for want either of an example or of a warning. The honorable and learned Member who moved the second reading has furnished me with a model which I cannot too closely imitate; and from the honorable Member for Kent, if I can learn nothing else, I may at least learn what temper and what style I ought most carefully to avoid.

I was very desirous, Sir, to catch your eye, not because I was so presumptuous as to hope that I should be able to add much to the powerful and luminous argument of the honorable and learned gentleman who has, to our great joy, again appeared among us to-night; but because I thought it desirable that, at an early period in the debate, some person whose seat is on this side of the House, some person strongly opposed to the policy of the present Government, should say, what I now say with all my heart, that this is a bill highly honorable to that

Government, a bill framed on the soundest principles, and evidently introduced from the best and purest motives. This praise is a tribute due to Her Majesty's Ministers; and I have great pleasure in paying it.

I have great pleasure also in bearing my testimony to the humanity, the moderation, and the decorum with which my honorable friend the Member for the University of Oxford has expressed his sentiments. I must particularly applaud the resolution which he announced, and to which he strictly adhered, of treating this question as a question of *meum* and *tuum*, and not as a question of orthodoxy and heterodoxy. With him it is possible to reason. But how am I to reason with the honorable Member for Kent, who has made a speech without one fact, one argument, one shadow of an argument, a speech made up of nothing but vituperation? I grieve to say that the same bitterness of theological animosity which characterized that speech may be discerned in too many of the petitions with which, as he boasts, our table has been heaped day after day. The honorable Member complains that those petitions have not been treated with proper respect. Sir, they have been treated with much more respect than they deserved. He asks why we are to suppose that the petitioners are not competent to form a judgment on this question? My answer is, that they have certified their incompetence under their own hands. They have, with scarcely one exception, treated this question as a question of divinity, though it is purely a question of property: and when I see men treat a question of property as if it were a question of divinity, I am certain that, however numerous they may be, their opinion is entitled to no consideration. If the persons whom this bill is meant to relieve are orthodox, that is no reason for our plundering any body else in order to enrich them. If they are heretics, that is no reason for our plundering them in order to

enrich others. I should not think myself justified in supporting this bill, if I could not with truth declare that, whatever sect had been in possession of these chapels, my conduct would have been precisely the same. I have no peculiar sympathy with Unitarians. If these people, instead of being Unitarians, had been Roman Catholics, or Wesleyan Methodists, or General Baptists, or Particular Baptists, or members of the Old Secession Church of Scotland, or members of the Free Church of Scotland, I should speak as I now speak, and vote as I now mean to vote.

Sir, the whole dispute is about the second clause of this bill. I can hardly conceive that any gentleman will vote against the bill on account of the error in the marginal note on the third clause. To the first clause my honorable friend the Member for the University of Oxford said, if I understood him rightly, that he had no objection; and indeed a man of his integrity and benevolence could hardly say less after listening to the lucid and powerful argument of the Attorney General. It is therefore on the second clause that the whole question turns.

The second clause, Sir, rests on a principle simple, well known, and most important to the welfare of all classes of the community. That principle is this, that prescription is a good title to property, that there ought to be a time of limitation, after which a possessor, in whatever way his possession may have originated, must not be dispossessed. Till very lately, Sir, I could not have imagined that, in any assembly of reasonable, of civilised, of educated men, it could be necessary for me to stand up in defence of that principle. I should have thought it as much a waste of the public time to make a speech on such a subject as to make a speech against burning witches, against trying writs of right by wager of battle, or against requiring a culprit to prove his innocence by walking over red hot ploughshares. But I find that I was in error. Certain sages, lately assembled in con-

clave at Exeter Hall, have done me the honor to communicate to me the fruits of their profound meditations on the science of legislation. They have, 'it seems, passed a resolution declaring that the principle, which I had supposed that no man out of Bedlam would ever question, is an untenable principle, and altogether unworthy of a British Parliament. They have been pleased to add, that the present Government cannot, without gross inconsistency, call on Parliament to pass a statute of limitation. And why? Will the House believe it? Because the present Government has appointed two new Vice Chancellors.

Really, Sir, I do not know whether the opponents of this bill shine more as logicians or as jurists. Standing here as the advocate of prescription, I ought not to forget that prescriptive right of talking nonsense which gentlemen who stand on the platform of Exeter Hall are undoubtedly entitled to claim. But, though I recognise the right, I cannot but think that it may be abused, and that it has been abused on the present occasion. One thing at least is clear, that, if Exeter Hall be in the right, all the masters of political philosophy, all the great legislators, all the systems of law by which men are and have been governed in all civilised countries, from the earliest times, must be in the wrong. How indeed can any society prosper, or even exist, without the aid of this untenable principle, this principle unworthy of a British legislature? This principle was found in the Athenian law. This principle was found in the Roman law. This principle was found in the laws of all those nations of which the jurisprudence was derived from Rome. This principle was found in the law administered by the Parliament of Paris; and, when that Parliament and the law which it administered had been swept away by the revolution, this principle reappeared in the Code Napoleon. Go westward, and you find this principle recognised beyond the Mississippi. Go eastward, and you find

it recognised beyond the Indus, in countries which never heard the name of Justinian, in countries to which no translation of the Pandects ever found its way. Look into our own laws; and you will see that the principle, which is now designated as unworthy of Parliament, has guided Parliament ever since Parliament existed. Our first statute of limitation was enacted at Merton, by men some of whom had borne a part in extorting the Great Charter and the Forest Charter from King John. From that time to this it has been the study of a succession of great lawyers and statesmen to make the limitation more and more stringent. The Crown and the Church indeed were long exempted from the general rule. But experience fully proved that every such exemption was an evil; and a remedy was at last applied. Sir George Savile, the model of English country gentlemen, was the author of the Act which barred the claims of the Crown. That eminent magistrate, the late Lord Tenterden, was the author of the Act which barred the claims of the Church. Now, Sir, how is it possible to believe that the Barons, whose seals are upon our Great Charter, would have perfectly agreed with the great jurists who framed the Code of Justinian, with the great jurists who framed the Code of Napoleon, with the most learned English lawyers of the nineteenth century, and with the Pundits of Benares, unless there had been some strong and clear reason which necessarily led men of sense in every age and country to the same conclusion? Nor is it difficult to see what the reason was. For it is evident that the principle which silly and ignorant fanatics have called untenable is essential to the institution of property, and that, if you take away that principle, you will produce evils resembling those which would be produced by a general confiscation. Imagine what would follow if the maxims of Exeter Hall were introduced into Westminster Hall. Imagine a state of things in

which one of us should be liable to be sued on a bill of exchange indorsed by his grandfather in 1760. Imagine a man possessed of an estate and manor house which had descended to him through ten or twelve generations of ancestors, and yet liable to be ejected because some flaw had been detected in a deed executed three hundred years ago, in the reign of Henry the Eighth. Why, Sir, should we not all cry out that it would be better to live under the rule of a Turkish Pasha than under such a system? Is it not plain that the enforcing of an obsolete right is the inflicting of a wrong? Is it not plain that, but for our statutes of limitation, a lawsuit would be merely a grave, methodical robbery? I am ashamed to argue a point so clear.

And if this be the general rule, why should the case which we are now considering be an exception to the rule? I have done my best to understand why. I have read much bad oratory, and many foolish petitions. I have heard with attention the reasons of my honorable friend the Member for the University of Oxford; and I should have heard the reasons of the honorable Member for Kent, if there had been any to hear. Every argument by which my honorable friend the Member for the University of Oxford tried to convince us that this case is an exception to the general rule, will be found on examination to be an argument against the general rule itself. He says that the possession which we propose to sanction was originally a wrongful possession. Why, Sir, all the statutes of limitation that ever were made sanction possession which was originally wrongful. It is for the protection of possessors who are not in condition to prove that their possession was originally rightful that statutes of limitation are passed. Then my honorable friend says that this is an *ex post facto* law. Why, Sir, so are all our great statutes of limitation. Look at the Statute of Merton, passed in 1235; at the Statute of Westminster, passed in 1275; at

the Statute of James the First, passed in 1623; at Sir George Savile's Act, passed in the last century; at Lord Tenterden's Act, passed in our own time. Every one of those Acts was retrospective. Every one of them barred claims arising out of past transactions. Nor was any objection ever raised to what was so evidently just and wise, till bigotry and chicanery formed that disgraceful league against which we are now contending. But, it is said, it is unreasonable to grant a boon to men because they have been many years doing wrong. The length of the time during which they have enjoyed property not rightfully their own, is an aggravation of the injury which they have committed, and is so far from being a reason for letting them enjoy that property for ever, that it is rather a reason for compelling them to make prompt restitution. With this childish sophistry the petitions on our table are filled. Is it possible that any man can be so dull as not to perceive that, if this be a reason, it is a reason against all our statutes of limitation? I do a greater wrong to my tailor if I withhold payment of his bill during six years than if I withhold payment only during two years. Yet the law says that at the end of two years he may bring an action and force me to pay him with interest, but that after the lapse of six years he cannot force me to pay him at all. It is much harder that a family should be kept out of its hereditary estate during five generations than during five days. But if you are kept out of your estate five days you have your action of ejectment; and, after the lapse of five generations, you have no remedy. I say, therefore, with confidence, that every argument which has been urged against this bill is an argument against the great principle of prescription. I go further, and I say that, if there be any case which, in an especial manner, calls for the application of the principle of prescription, this is that case. For the Unitarian congregations have laid out so much on

these little spots of ground that it is impossible to take the soil from them without taking from them property which is of much greater value than the mere soil, and which is indisputably their own. This is not the case of a possessor who has been, during many years, receiving great emoluments from land to which he had not a good title. It is the case of a possessor who has, from resources which were undoubtedly his own, expended on the land much more than it was originally worth. Even in the former case, it has been the policy of all wise law-givers to fix a time of limitation. *A fortiori*, therefore, there ought to be a time of limitation in the latter case.

And here, Sir, I cannot help asking gentlemen to compare the petitions for this bill with the petitions against it. Never was there such a contrast. The petitions against the bill are filled with cant, rant, scolding, scraps of bad sermons. The petitions in favour of the bill set forth in the simplest manner great practical grievances. Take, for instance, the case of Cirencester. The meeting house there was built in 1730. It is certain that the Unitarian doctrines were taught there as early as 1742. That was only twelve years after the chapel had been founded. Many of the original subscribers must have been living. Many of the present congregation are lineal descendants of the original subscribers. Large sums have from time to time been laid out in repairing, enlarging, and embellishing the edifice; and yet there are people who think it just and reasonable that this congregation should, after the lapse of more than a century, be turned out. At Norwich, again, a great dissenting meeting house was opened in 1688. It is not easy to say how soon Anti-Trinitarian doctrines were taught there. The change of sentiment in the congregation seems to have been gradual: but it is quite certain that, in 1754, ninety years ago, both pastor and flock were decidedly Unitarian. Round

the Statute of James the First, passed in 1623; at Sir George Savile's Act, passed in the last century; at Lord Tenterden's Act, passed in our own time. Every one of those Acts was retrospective. Every one of them barred claims arising out of past transactions. Nor was any objection ever raised to what was so evidently just and wise, till bigotry and chicanery formed that disgraceful league against which we are now contending. But, it is said, it is unreasonable to grant a boon to men because they have been many years doing wrong. The length of the time during which they have enjoyed property not rightfully their own, is an aggravation of the injury which they have committed, and is so far from being a reason for letting them enjoy that property for ever, that it is rather a reason for compelling them to make prompt restitution. With this childish sophistry the petitions on our table are filled. Is it possible that any man can be so dull as not to perceive that, if this be a reason, it is a reason against all our statutes of limitation? I do a greater wrong to my tailor if I withhold payment of his bill during six years than if I withhold payment only during two years. Yet the law says that at the end of two years he may bring an action and force me to pay him with interest, but that after the lapse of six years he cannot force me to pay him at all. It is much harder that a family should be kept out of its hereditary estate during five generations than during five days. But if you are kept out of your estate five days you have your action of ejectment; and, after the lapse of five generations, you have no remedy. I say, therefore, with confidence, that every argument which has been urged against this bill is an argument against the great principle of prescription. I go further, and I say that, if there be any case which, in an especial manner, calls for the application of the principle of prescription, this is that case. For the Unitarian congregations have laid out so much on

these little spots of ground that it is impossible to take the soil from them without taking from them property which is of much greater value than the mere soil, and which is indisputably their own. This is not the case of a possessor who has been, during many years, receiving great emoluments from land to which he had not a good title. It is the case of a possessor who has, from resources which were undoubtedly his own, expended on the land much more than it was originally worth. Even in the former case, it has been the policy of all wise law-givers to fix a time of limitation. *A fortiori*, therefore, there ought to be a time of limitation in the latter case.

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the chapel is a cemetery filled with the monuments of eminent Unitarians. Attached to the chapel are a schoolhouse and a library, built and fitted up by Unitarians. And now the occupants find that their title is disputed. They cannot venture to build; they cannot venture to repair; and they are anxiously awaiting our decision. I do not know that I have cited the strongest cases. I am giving you the ordinary history of these edifices. Go to Manchester. Unitarianism has been taught there at least seventy years in a chapel on which the Unitarians have expended large sums. Go to Leeds. Four thousand pounds have been subscribed for the repairing of the Unitarian chapel there, the chapel where, near eighty years ago, Priestley, the great Doctor of the sect, officiated. But these four thousand pounds are lying idle. Not a pew can be repaired till it is known whether this bill will become law. Go to Maidstone. There Unitarian doctrines have been taught during at least seventy years; and seven hundred pounds have recently been laid out by the congregation in repairing the chapel. Go to Exeter. It matters not where you go. But go to Exeter. There Unitarian doctrines have been preached more than eighty years; and two thousand pounds have been laid out on the chapel. It is the same at Coventry, at Bath, at Yarmouth, everywhere. And will a British Parliament rob the possessors of these buildings? I can use no other word. How should we feel if it were proposed to deprive any other class of men of land held during so long a time, and improved at so large a cost? And, if this property should be transferred to those who covet it, what would they gain in comparison with what the present occupants would lose? The pulpit of Priestley, the pulpit of Lardner, are objects of reverence to congregations which hold the tenets of Priestley and Lardner. To the intruders those pulpits will be nothing; nay, worse than nothing; memorials of heresiarchs. Within these chapels and

all around them are the tablets which the pious affection of four generations has placed over the remains of dear mothers and sisters, wives and daughters, of eloquent preachers, of learned theological writers. To the Unitarian, the building which contains these memorials is a hallowed building. To the intruder, it is of no more value than any other room in which he can find a bench to sit on and a roof to cover him. If, therefore, we throw out this bill, we do not merely rob one set of people in order to make a present to another set. That would be bad enough. But we rob the Unitarians of that which they regard as a most precious treasure; of that which is endeared to them by the strongest religious and the strongest domestic associations; of that which cannot be wrenched from them without inflicting on them the bitterest pain and humiliation. To the Trinitarians we give that which can to them be of little or no value except as a trophy of a most inglorious victory won in a most unjust war.

But, Sir, an imputation of fraud has been thrown on the Unitarians; not, indeed, here, but in many other places, and in one place of which I would always wish to speak with respect. The Unitarians, it has been said, knew that the original founders of these chapels were Trinitarians; and to use, for the purpose of propagating Unitarian doctrine, a building erected for the purpose of propagating Trinitarian doctrine was grossly dishonest. One very eminent person¹ has gone so far as to maintain that the Unitarians cannot pretend to any prescription of more than sixty-three years; and he proves his point thus:—Till the year 1779, he says, no dissenting teacher was within the protection of the Toleration Act unless he subscribed those articles of the Church of England which affirm the Athanasian doctrine. It is evident that no honest Unitarian can subscribe those articles. The inference is, that the

¹ The Bishop of London.

persons who preached in these chapels down to the year 1779 must have been either Trinitarians or rogues. Now, Sir, I believe that they were neither Trinitarians nor rogues; and I cannot help suspecting that the great prelate who brought this charge against them is not so well read in the history of the nonconformist sects as in the history of that Church of which he is an ornament. The truth is that, long before the year 1779, the clause of the Toleration Act which required dissenting ministers to subscribe thirty-five or thirty-six of our thirty-nine articles had almost become obsolete. Indeed, that clause had never been rigidly enforced. From the very first there were some dissenting ministers who refused to subscribe, and yet continued to preach. Calany was one; and he was not molested. And if this could be done in the year in which the Toleration Act passed, we may easily believe that, at a later period, the law would not have been very strictly observed. New brooms, as the vulgar proverb tells us, sweep clean; and no statute is so rigidly enforced as a statute just made. But, Sir, so long ago as the year 1711, the provisions of the Toleration Act on this subject were modified. In that year the Whigs, in order to humour Lord Nottingham, with whom they had coalesced against Lord Oxford, consented to let the Occasional Conformity Bill pass; but they insisted on inserting in the bill a clause which was meant to propitiate the dissenters. By this clause it was enacted that, if an information were laid against a dissenting minister for having omitted to subscribe the articles, the defendant might, by subscribing at any stage of the proceedings anterior to the judgment, defeat the information, and throw all the costs on the informer. The House will easily believe that, when such was the state of the law, informers were not numerous. Indeed, during the discussions of 1773, it was distinctly affirmed, both in Parliament and in manifestoes put forth by the dissenting body, that the

majority of nonconformist ministers then living had never subscribed. All arguments, therefore, grounded on the insincerity which has been rashly imputed to the Unitarians of former generations, fall at once to the ground.

But, it is said, the persons who, in the reigns of James the Second, of William the Third, and of Anne, first established these chapels, held the doctrine of the Trinity; and therefore, when, at a later period, the preachers and congregations departed from the doctrine of the Trinity, they ought to have departed from the chapels too. The honorable and learned gentleman, the Attorney General, has refuted this argument so ably that he has scarcely left anything for me to say about it. It is well known that the change which, soon after the Revolution, began to take place in the opinions of a section of the old Puritan body, was a gradual, an almost imperceptible, change. The principle of the English Presbyterians was to have no confession of faith and no form of prayer. Their trust deeds contained no accurate theological definitions. Nonsubscription was in truth the very bond which held them together. What, then, could be more natural than that, Sunday by Sunday, the sermons should have become less and less like those of the old Calvinistic divines, that the doctrine of the Trinity should have been less and less frequently mentioned, that at last it should have ceased to be mentioned, and that thus, in the course of years, preachers and hearers should, by insensible degrees, have become first Arians, then, perhaps, Socinians. I know that this explanation has been treated with disdain by people profoundly ignorant of the history of English nonconformity. I see that my right honorable friend near me¹ does not assent to it. Will he permit me to refer him to an analogous case with which he cannot but be well acquainted? No person in the House is more versed than he in the

¹ Mr. Fox Maule.

ecclesiastical history of Scotland; and he will, I am sure, admit that some of the doctrines now professed by the Scotch sects which sprang from the secessions of 1733 and 1760 are such as the seceders of 1733 and the seceders of 1760 would have regarded with horror. I have talked with some of the ablest, most learned, and most pious of the Scotch dissenters of our time; and they all fully admitted that they held more than one opinion which their predecessors would have considered as impious. Take the question of the connection between Church and State. The seceders of 1733 thought that the connection ought to be much closer than it is. They blamed the legislature for tolerating heresy. They maintained that the Solemn League and Covenant was still binding on the kingdom. They considered it as a national sin that the validity of the Solemn League and Covenant was not recognised at the time of the Revolution. When George Whitfield went to Scotland, though they approved of his Calvinistic opinions, and though they justly admired that natural eloquence which he possessed in so wonderful a degree, they would hold no communion with him because he would not subscribe the Solemn League and Covenant. Is that the doctrine of their successors? Are the Scotch dissenters now averse to toleration? Are they not zealous for the voluntary system? Is it not their constant cry that it is not the business of the civil magistrate to encourage any religion, false or true? Does any Bishop now abhor the Solemn League and Covenant more than they? Here is an instance in which numerous congregations have, retaining their identity, passed gradually from one opinion to another opinion. And would it be just, would it be decent in me, to impute dishonesty to them on that account? My right honorable friend may be of opinion that the question touching the connection between the Church and State is not a vital question. But was that the opinion of the

divines who drew up the Secession Testimony? He well knows that in their view a man who denied that it was the duty of the government to defend religious truth with the civil sword was as much a heretic as a man who denied the doctrine of the Trinity.

Again, Sir, take the case of the Wesleyan Methodists. They are zealous against this bill. They think it monstrous that a chapel originally built for people holding one set of doctrines should be occupied by people holding a different set of doctrines. I would advise them to consider whether they cannot find in the history of their own body reasons for being a little more indulgent. What were the opinions of that great and good man, their founder, on the question whether men not episcopally ordained could lawfully administer the Eucharist? He told his followers that lay administration was a sin which he never could tolerate. Those were the very words which he used; and I believe that, during his lifetime, the Eucharist never was administered by laymen in any place of worship which was under his control. After his death, however, the feeling in favour of lay administration became strong and general among his disciples. The Conference yielded to that feeling. The consequence is that now, in every chapel which belonged to Wesley, those who glory in the name of Wesleyans commit, every Sacrament Sunday, what Wesley declared to be a sin which he would never tolerate. And yet these very persons are not ashamed to tell us in loud and angry tones that it is fraud, downright fraud, in a congregation which has departed from its original doctrines to retain its original endowments. I believe, Sir, that, if you refuse to pass this bill, the Courts of Law will soon have to decide some knotty questions which, as yet, the Methodists little dream of.

It has, I own, given me great pain to observe the unfair and acrimonious manner in which too many of the Protestant nonconformists have opposed this

bill. The opposition of the Established Church has been comparatively mild and moderate; and yet from the Established Church we had less right to expect mildness and moderation. It is certainly not right, but it is very natural, that a church, ancient and richly endowed, closely connected with the Crown and the aristocracy, powerful in parliament, dominant in the universities, should sometimes forget what is due to poorer and humbler Christian societies. But when I hear a cry for what is nothing less than persecution set up by men who have been, over and over again within my own memory, forced to invoke in their own defence the principles of toleration, I cannot but feel astonishment mingled with indignation. And what above all excites both my astonishment and my indignation is this, that the most noisy among the noisy opponents of the bill which we are considering are some sectaries who are at this very moment calling on us to pass another bill of just the same kind for their own benefit. I speak of those Irish Presbyterians who are asking for an *ex post facto* law to confirm their marriages. See how exact the parallel is between the case of those marriages and the case of these chapels. The Irish Presbyterians have gone on marrying according to their own forms during a long course of years. The Unitarians have gone on occupying, improving, embellishing certain property during a long course of years. In neither case did any doubt as to the right arise in the most honest, in the most scrupulous mind. At length, about the same time, both the validity of the Presbyterian marriages and the validity of the title by which the Unitarians held their chapels were disputed. The two questions came before the tribunals. The tribunals, with great reluctance, with great pain, pronounced that, neither in the case of the marriages nor in the case of the chapels, can prescription be set up against the letter of the law. In both cases there is a just claim

to relief such as the legislature alone can afford. In both the legislature is willing to grant that relief. But this will not satisfy the orthodox Presbyterian. He demands with equal vehemence two things, that he shall be relieved, and that nobody else shall be relieved. In the same breath he tells us that it would be most iniquitous not to pass a retrospective law for his benefit, and that it would be most iniquitous to pass a retrospective law for the benefit of his fellow sufferers. I never was more amused than by reading, the other day, a speech made by a person of great note among the Irish Presbyterians on the subject of these marriages. 'Is it to be endured,' he says, 'that the mummies of old and forgotten laws are to be dug up and unswathed for the annoyance of dissenters?' And yet a few hours later, this eloquent orator is himself hard at work in digging up and unswathing another set of mummies for the annoyance of another set of dissenters. I should like to know how he and such as he would look if we Churchmen were to assume the same tone towards them which they think it becoming to assume towards the Unitarian body; if we were to say, 'You and those whom you would oppress are alike out of our pale. If they are heretics in your opinion, you are schismatics in ours. Since you insist on the letter of the law against them, we will insist on the letter of the law against you. You object to *ex post facto* statutes; and you shall have none. You think it reasonable that men should, in spite of a prescription of eighty or ninety years, be turned out of a chapel built with their own money, and a cemetery where their own kindred lie, because the original title was not strictly legal. We think it equally reasonable that those contracts which you have imagined to be marriages, but which are now adjudged not to be legal marriages, should be treated as nullities.' I wish from my soul that some of these orthodox dissenters would recollect that the doctrine

which they defend with so much zeal against the Unitarians is not the whole sum and substance of Christianity, and that there is a text about doing unto others as you would that they should do unto you.

To any intelligent man who has no object except to do justice, the Trinitarian dissenter and the Unitarian dissenter who are now asking for relief will appear to have exactly the same right to it. There is, however, I must own, one distinction between the two cases. The Trinitarian dissenters are a strong body, and especially strong among the electors of towns. They are of great weight in the State. Some of us may probably, by voting to-night against their wishes, endanger our seats in this House. The Unitarians, on the other hand, are few in number. Their creed is unpopular. Their friendship is likely to injure a public man more than their enmity. If therefore there be among us any person of a nature at once tyrannical and cowardly, any person who delights in persecution, but is restrained by fear from persecuting powerful sects, now is his time. He never can have a better opportunity of gratifying his malevolence without risk of retribution. But, for my part, I long ago espoused the cause of religious liberty, not because that cause was popular, but because it was just; and I am not disposed to abandon the principles to which I have been true through my whole life in deference to a passing clamour. The day may come, and may come soon, when those who are now loudest in raising that clamour may again be, as they have formerly been, suppliants for justice. When that day comes I will try to prevent others from oppressing them, as I now try to prevent them from oppressing others. In the mean time I shall contend against their intolerance with the same spirit with which I may hereafter have to contend for their rights.

*A Speech delivered in the House of
Commons on the 14th of April, 1845*

ON Saturday the eleventh of April, 1845, Sir Robert Peel moved the second reading of the Maynooth College Bill. After a debate of six nights the motion was carried by 323 votes to 176. On the second night the following Speech was made.

I DO not mean, Sir, to follow the honorable gentleman who has just sate down into a discussion on an amendment which is not now before us. When my honorable friend the Member for Sheffield shall think it expedient to make a motion on that important subject to which he has repeatedly called the attention of the House, I may, perhaps, ask to be heard. At present I shall content myself with explaining the reasons which convince me that it is my duty to vote for the second reading of this bill; and I cannot, I think, better explain those reasons than by passing in review, as rapidly as I can, the chief objections which have been made to the bill here and elsewhere.

The objectors, Sir, May be divided into three classes. The first class consists of those persons who object, not to the principle of the grant to Maynooth College, but merely to the amount. The second class consists of persons who object on principle to all grants made to a church which they regard as corrupt. The third class consists of persons who object on principle to all grants made to churches, whether corrupt or pure.

Now, Sir, of these three classes the first is evidently that which takes the most untenable ground. How any person can think that Maynooth College ought to be supported by public money, and yet can think this bill too bad to be suffered to go into Committee, I do not well understand. I am forced however to believe that there are many such persons. For I cannot but remember that the old annual vote

attracted scarcely any notice; and I see that this bill has produced violent excitement. I cannot but remember that the old annual vote used to pass with very few dissentients; and I see that great numbers of gentlemen, who never were among those dissentients, have crowded down to the House in order to divide against this bill. It is indeed certain that a large proportion, I believe a majority, of those members who cannot, as they assure us, conscientiously support the plan proposed by the right honorable Baronet at the head of the Government, would without the smallest scruple have supported him if he had in this, as in former years, asked us to give nine thousand pounds for twelve months. So it is: yet I cannot help wondering that it should be so. For how can any human ingenuity turn a question between nine thousand pounds and twenty-six thousand pounds, or between twelve months and an indefinite number of months, into a question of principle. Observe: I am not now answering those who maintain that nothing ought to be given out of the public purse to a corrupt church; nor am I now answering those who maintain that nothing ought to be given out of the public purse to any church whatever. They, I admit, oppose this bill on principle. I perfectly understand, though I do not myself hold, the opinion of the zealous voluntary who says, 'Whether the Roman Catholic Church teaches truth or error, she ought to have no assistance from the State.' I also perfectly understand, though I do not myself hold, the opinion of the zealous Protestant who says, 'The Roman Catholic Church teaches error, and therefore ought to have no assistance from the State.' But I cannot understand the reasoning of the man who says, 'In spite of the errors of the Roman Catholic Church, I think that she ought to have some assistance from the State; but I am bound to mark my abhorrence of her errors by doling out to her a miserable pittance. Her tenets are so absurd and noxious that I will pay

the professor who teaches them wages less than I should offer to my groom. Her rites are so superstitious that I will take care that they shall be performed in a chapel with a leaky roof and a dirty floor. By all means let us keep her a college, provided only that it be a shabby one. Let us support those who are intended to teach her doctrines and to administer her sacraments to the next generation, provided only that every future priest shall cost us less than a foot soldier. Let us board her young theologians; but let their larder be so scantily supplied that they may be compelled to break up before the regular vacation from mere want of food. Let us lodge them; but let their lodging be one in which they may be packed like pigs in a sty, and be punished for their heterodoxy by feeling the snow and the wind through the broken panes.' Is it possible to conceive anything more absurd or more disgraceful? Can anything be clearer than this, that whatever it is lawful to do it is lawful to do well? If it be right that we should keep up this college at all, it must be right that we should keep it up respectably. Our national dignity is concerned. For this institution, whether good or bad, is, beyond all dispute, a very important institution. Its office is to form the character of those who are to form the character of millions. Whether we ought to extend any patronage to such an institution is a question about which wise and honest men may differ. But that, if we do extend our patronage to such an institution, our patronage ought to be worthy of the object, and worthy of the greatness of our country, is a proposition from which I am astonished to hear any person dissent.

It is, I must say, with a peculiarly bad grace that one of the members for the University to which I have the honor to belong,¹ a gentleman who never

¹ The Honorable Charles Law, Member for the University of Cambridge.

thought himself bound to say a word or to give a vote against the grant of nine thousand pounds, now vehemently opposes the grant of twenty-six thousand pounds as exorbitant. When I consider how munificently the colleges of Cambridge and Oxford are endowed, and with what pomp religion and learning are there surrounded; when I call to mind the long streets of palaces, the towers and oriels, the venerable cloisters, the trim gardens, the organs, the altar pieces, the solemn light of the stained windows, the libraries, the museums, the galleries of painting and sculpture; when I call to mind also the physical comforts which are provided for both instructors and for pupils; when I reflect that the very sizers and servitors are far better lodged and fed than those students who are to be, a few years hence, the priests and bishops of the Irish people; when I think of the spacious and stately mansions of the heads of houses, of the commodious chambers of the fellows and scholars, of the refectories, the combination rooms, the bowling greens, the stabling, of the state and luxury of the great feast days, of the piles of old plate on the tables, of the savoury steam of the kitchens, of the multitudes of geese and capons which turn at once on the spits, of the oceans of excellent ale in the butteries; and when I remember from whom all this splendour and plenty is derived; when I remember what was the faith of Edward the Third and of Henry the Sixth, of Margaret of Anjou and Margaret of Richmond, of William of Wykeham and William of Waynesfleet, of Archbishop Chicheley and Cardinal Wolsey; when I remember what we have taken from the Roman Catholics, King's College, New College, Christ Church, my own Trinity; and when I look at the miserable Dotheboys Hall¹ which we have given them in exchange, I feel, I must own, less proud than I could wish of being a Protestant and a Cambridge man.

¹ [*Nicholas Nickleby* appeared in 1838.]

Some gentlemen, it is true, have made an attempt to show that there is a distinction of principle between the old grant which they have always supported and the larger grant which they are determined to oppose. But never was attempt more unsuccessful. They say that, at the time of the Union, we entered into an implied contract with Ireland to keep up this college. We are therefore, they argue, bound by public faith to continue the old grant; but we are not bound to make any addition to that grant. Now, Sir, on this point, though on no other, I do most cordially agree with those petitioners who have, on this occasion, covered your table with such huge bales of spoiled paper and parchment. I deny the existence of any such contract. I think myself perfectly free to vote for the abolition of this college, if I am satisfied that it is a pernicious institution; as free as I am to vote against any item of the ordnance estimates; as free as I am to vote for a reduction of the number of marines. It is strange, too, that those who appeal to this imaginary contract should not perceive that, even if their fiction be admitted as true, it will by no means get them out of their difficulty. Tell us plainly what are the precise terms of the contract which you suppose Great Britain to have made with Ireland about this college. Whatever the terms be, they will not serve your purpose. Was the contract this, that the Imperial Parliament would do for the college what the Irish Parliament had been used to do? Or was the contract this, that the Imperial Parliament would keep the college in a respectable and efficient state? If the former was the contract, nine thousand pounds would be too much. If the latter was the contract, you will not, I am confident, be able to prove that twenty-six thousand pounds is too little.

I have now, I think, said quite as much as need be said in answer to those who maintain that we

ought to give support to this college, but that the support ought to be niggardly and precarious. I now come to another and a much more formidable class of objectors. Their objections may be simply stated thus. No man can justifiably, either as an individual or as a trustee for the public, contribute to the dissemination of religious error. But the Church of Rome teaches religious error. Therefore we cannot justifiably contribute to the support of an institution of which the object is the dissemination of the doctrines of the Church of Rome. Now, Sir, I deny the major of this syllogism. I think that there are occasions on which we are bound to contribute to the dissemination of doctrines with which errors are inseparably intermingled. Let me be clearly understood. The question is not whether we should teach truth or teach error, but whether we should teach truth adulterated with error, or teach no truth at all. The constitution of the human mind is such that it is impossible to provide any machinery for the dissemination of truth which shall not, with the truth, disseminate some error. Even those rays which come down to us from the great source of light, pure as they are in themselves, no sooner enter that gross and dark atmosphere in which we dwell than they are so much refracted, discoloured, and obscured, that they too often lead us astray. It will be generally admitted that, if religious truth can be anywhere found untainted by error, it is in the Scriptures. Yet is there actually on the face of the globe a single copy of the Scriptures of which it can be said that it contains truth absolutely untainted with error? Is there any manuscript, any edition of the Old or New Testament in the original tongues, which any scholar will pronounce faultless? But to the vast majority of Christians the original tongues are and always must be unintelligible. With the exception of perhaps one man in ten thousand, we must be content with translations. And is there any translation in which

there are not numerous mistakes? Are there not numerous mistakes even in our own authorised version, executed as that version was with painful diligence and care, by very able men, and under very splendid patronage? Of course mistakes must be still more numerous in those translations which pious men have lately made into Bengalee, Hindostanee, Tamul, Canarese, and other Oriental tongues. I admire the zeal, the industry, the energy of those who, in spite of difficulties which to ordinary minds would seem insurmountable, accomplished that arduous work. I applaud those benevolent societies which munificently encouraged that work. But I have been assured by good judges that the translations have many faults. And how should it have been otherwise? How should an Englishman produce a faultless translation from the Hebrew into the Cingalese? I say, therefore, that even the Scriptures, in every form in which men actually possess them, contain a certain portion of error. And, if this be so, how can you look for pure undefecated truth in any other composition? You contribute, without any scruple, to the printing of religious tracts, to the establishing of Sunday Schools, to the sending forth of missionaries. But are your tracts perfect? Are your schoolmasters infallible? Are your missionaries inspired? Look at the two churches which are established in this island. Will you say that they both teach truth without any mixture of error? That is impossible. For they teach different doctrines on more than one important subject. It is plain, therefore, that if, as you tell us, it be a sin in a state to patronise an institution which teaches religious error, either the Church of England or the Church of Scotland ought to be abolished. But will anybody even venture to affirm that either of those churches teaches truth without any mixture of error? Have there not long been in the Church of Scotland two very different schools of theology? During many years, Dr. Robertson, the

head of the moderate party, and Dr. Erskine, the head of the Calvinistic party, preached under the same roof, one in the morning, the other in the evening. They preached two different religions, so different that the followers of Robertson thought the followers of Erskine fanatics, and the followers of Erskine thought the followers of Robertson Arians or worse. And is there no mixture of error in the doctrine taught by the clergy of the Church of England? Is not the whole country at this moment convulsed by disputes as to what the doctrine of the Church on some important subjects really is? I shall not take on myself to say who is right and who is wrong. But this I say with confidence, that, whether the Tractarians or the Evangelicals be in the right, many hundreds of those divines who every Sunday occupy the pulpits of our parish churches must be very much in the wrong.

Now, Sir, I see that many highly respectable persons, who think it a sin to contribute to the teaching of error at Maynooth College, think it not merely lawful, but a sacred duty, to contribute to the teaching of error in the other cases which I have mentioned. They know that our version of the Bible contains some error. Yet they subscribe to the Bible Society. They know that the Serampore translations contain a still greater quantity of error. Yet they give largely towards the printing and circulating of those translations. My honorable friend the Member for the University of Oxford will not deny that there is among the clergy of the Church of England a Puritan party, and also an Antipuritan party, and that one of these parties must teach some error. Yet he is constantly urging us to grant to this Church an additional endowment of I know not how many hundreds of thousands of pounds. He would doubtless defend himself by saying that nothing on earth is perfect; that the purest religious society must consist of human beings, and must have those defects

which arise from human infirmities; and that the truths held by the established clergy, though not altogether unalloyed with error, are so precious, that it is better that they should be imparted to the people with the alloy than that they should not be imparted at all. Just so say I. I am sorry that we cannot teach pure truth to the Irish people. But I think it better that they should have important and salutary truth, polluted by some error, than that they should remain altogether uninstructed. I heartily wish that they were Protestants. But I had rather that they should be Roman Catholics than that they should have no religion at all. Would you, says one gentleman, teach the people to worship Jugernaut or Kalee? Certainly not. My argument leads to no such conclusion. The worship of Jugernaut and Kalee is a curse to mankind. It is much better that people should be without any religion than that they should believe in a religion which enjoins prostitution, suicide, robbery, assassination. But will any Protestant deny that it is better that the Irish should be Roman Catholics than that they should live and die like the beasts of the field, indulge their appetites without any religious restraint, suffer want and calamity without any religious consolation, and go to their graves without any religious hope? These considerations entirely satisfy my mind. Of course I would not propagate error for its own sake. To do so would be not merely wicked, but diabolical. But, in order that I may be able to propagate truth, I consent to propagate that portion of error which adheres to truth, and which cannot be separated from truth. I wish Christianity to have a great influence on the peasantry of Ireland. I see no probability that Christianity will have that influence except in one form. That form I consider as very corrupt. Nevertheless, the good seems to me greatly to predominate over the evil; and therefore, being unable to get the good alone, I am content to take the good and the evil together.

I now come to the third class of our opponents. I mean those who take their stand on the voluntary principle. I will not, on this occasion, inquire whether they are right in thinking that governments ought not to contribute to the support of any religion, true or false. For it seems to me that, even if I were to admit that the general rule is correctly laid down by them, the present case would be an exception to that rule. The question on which I am about to vote is not whether the State shall or shall not give any support to religion in Ireland. The State does give such support, and will continue to give such support, whatever may be the issue of this debate. The only point which we have now to decide is whether, while such support is given, it shall be given exclusively to the religion of the minority. Here is an island with a population of near eight millions, and with a wealthy established church, the members of which are little more than eight hundred thousand. There is an archbishop with ten thousand a year. If I recollect rightly, seventy thousand pounds are divided among twelve prelates. At the same time the Protestant dissenters in the north of Ireland receive, in another form, support from the State. But the great majority of the population, the poorest part of the population, the part of the population which is most in need of assistance, the part of the population which holds that faith for the propagation of which the tithes were originally set apart, and the church lands originally given, is left to maintain its own priests. Now is not this a case which stands quite by itself? And may not even those who hold the general proposition, that every man ought to pay his own spiritual pastor, yet vote, without any inconsistency, for this bill? I was astonished to hear the honorable Member for Shrewsbury¹ tell us that, if we make this grant, it will be impossible for us to resist the claims of any dissenting sect. He particu-

¹ Mr. Disraeli.

larly mentioned the Wesleyan Methodists. Are the cases analogous? Is there the slightest resemblance between them? Let the honorable gentleman show me that of the sixteen millions of people who inhabit England thirteen millions are Wesleyan Methodists. Let him show me that the members of the Established Church in England are only one tenth of the population. Let him show me that English dissenters who are not Wesleyan Methodists receive a *Regium Donum*. Let him show me that immense estates bequeathed to John Wesley for the propagation of Methodism have, by Act of Parliament, been taken from the Methodists and given to the Church. If he can show me this, I promise him that, whenever the Wesleyan Methodists shall ask for twenty-six thousand pounds a year to educate their ministers, I shall be prepared to grant their request. But neither the case of the Methodists, nor any other case which can be mentioned, resembles the case with which we have to do. Look round Europe, round the world, for a parallel; and you will look in vain. Indeed the state of things which exists in Ireland never could have existed had not Ireland been closely connected with a country, which possessed a great superiority of power, and which abused that superiority. The burden which we are now, I hope, about to lay on ourselves is but a small penalty for a great injustice. Were I a staunch voluntary, I should still feel that, while the church of eight hundred thousand people retains its great endowments, I should not be justified in refusing this small boon to the church of eight millions.

To sum up shortly what I have said; it is clear to me in the first place that, if we have no religious scruple about granting to this College nine thousand pounds for one year, we ought to have no religious scruple about granting twenty-six thousand pounds a year for an indefinite term.

Secondly, it seems to me that those persons who

tell us that we ought never in any circumstances to contribute to the propagation of error do in fact lay down a rule which would altogether interdict the propagation of truth.

Thirdly, it seems to me that, even on the hypothesis that the voluntary principle is the sound principle, the present case is an excepted case, to which it would be unjust and unwise to apply that principle.

So much, Sir, as to this bill: and now let me add a few words about those by whom it has been framed and introduced. We were exhorted, on the first night of this debate, to vote against the bill, without inquiring into its merits, on the ground that, good or bad, it was proposed by men who could not honestly and honorably propose it. A similar appeal has been made to us this evening. In these circumstances, Sir, I must, not I hope from party spirit, not, I am sure, from personal animosity, but from a regard for the public interest, which must be injuriously affected by everything which tends to lower the character of public men, say plainly what I think of the conduct of Her Majesty's Ministers. Undoubtedly it is of the highest importance that we should legislate well. But it is also of the highest importance that those who govern us should have, and should be known to have, fixed principles, and should be guided by those principles both in office and in opposition. It is of the highest importance that the world should not be under the impression that a statesman is a person who, when he is out, will profess and promise anything in order to get in, and who, when he is in, will forget all that he professed and promised when he was out. I need not, I suppose, waste time in proving that a law may be in itself an exceedingly good law, and yet that it may be a law which, when viewed in connection with the former conduct of those who proposed it, may prove them to be undeserving of the confidence of their

country. When this is the case, our course is clear. We ought to distinguish between the law and its authors. The law we ought, on account of its intrinsic merits, to support. Of the authors of the law, it may be our duty to speak in terms of censure.

In such terms I feel it to be my duty to speak of Her Majesty's present advisers. I have no personal hostility to any of them; and that political hostility which I do not disavow has never prevented me from doing justice to their abilities and virtues. I have always admitted, and I now most willingly admit, that the right honorable Baronet at the head of the Government possesses many of the qualities of an excellent minister, eminent talents for debate, eminent talents for business, great experience, great information, great skill in the management of this House. I will go further, and say that I give him full credit for a sincere desire to promote the welfare of his country. Nevertheless, it is impossible for me to deny that there is too much ground for the reproaches of those who, having, in spite of a bitter experience, a second time trusted him, now find themselves a second time deluded. I cannot but see that it has been too much his practice, when in opposition, to make use of passions with which he has not the slightest sympathy, and of prejudices which he regards with profound contempt. As soon as he is in power a change takes place. The instruments which have done his work are flung aside. The ladder by which he has climbed is kicked down. I am forced to say that the right honorable Baronet acts thus habitually and on system. The instance before us is not a solitary instance. I do not wish to dwell on the events which took place seventeen or eighteen years ago, on the language which the right honorable Baronet held about the Catholic question when he was out of power in 1827, and on the change which twelve months of power produced. I will only say that one such change was quite enough for one

life. Again the right honorable Baronet was in opposition; and again he employed his old tactics. I will not minutely relate the history of the manœuvres by which the Whig Government was overthrown. It is enough to say that many powerful interests were united against the Government under the leading of the right honorable Baronet, and that of those interests there is not one which is not now disappointed and complaining. To confine my remarks to the subject immediately before us,—can any man deny that, of all the many cries which were raised against the late administration, that which most strongly stirred the public mind was the cry of No Popery? Is there a single gentleman in the House who doubts that, if, four years ago, my noble friend the Member for the City of London had proposed this bill, he would have been withstood by every member of the present Cabinet? Four years ago, Sir, we were discussing a very different bill. The party which was then in opposition, and which is now in place, was attempting to force through Parliament a law, which bore indeed a specious name, but of which the effect would have been to disfranchise the Roman Catholic electors of Ireland by tens of thousands. It was in vain that we argued, that we protested, that we asked for the delay of a single session, for delay till an inquiry could be made, for delay till a Committee should report. We are told that the case was one of extreme urgency, that every hour was precious, that the House must, without loss of time, be purged of the minions of Popery. These arts succeeded. A change of administration took place. The right honorable Baronet came into power. He has now been near four years in power. He has had a Parliament which would, beyond all doubt, have passed eagerly and gladly that Registration Bill which he and his colleagues had pretended that they thought indispensable to the welfare of the State. And where is that bill now? Flung away; condemned by its own

authors; pronounced by them to be so oppressive, so inconsistent with all the principles of representative Government, that, though they had vehemently supported it when they were on your left hand, they could not think of proposing it from the Treasury Bench. And what substitute does the honorable Baronet give his followers to console them for the loss of their favourite Registration Bill? Even this bill for the endowment of Maynooth College. Was such a feat of legerdemain ever seen? And can we wonder that the eager, honest, hotheaded Protestants, who raised you to power in the confident hope that you would curtail the privileges of the Roman Catholics, should stare and grumble when you propose to give public money to the Roman Catholics? Can we wonder that, from one end of the country to the other, everything should be ferment and uproar, that petitions should, night after night, whiten all our benches like a snowstorm? Can we wonder that the people out of doors should be exasperated by seeing the very men who, when we were in office, voted against the old grant to Maynooth, now pushed and pulled into the House by your whippers-in to vote for an increased grant? The natural consequences follow. All those fierce spirits, whom you hallooed on to harass us, now turn round and begin to worry you. The Orange-man raises his war-whoop: Exeter Hall sets up its bray: Mr. Macneile¹ shudders to see more costly cheer than ever provided for the priests of Baal at the table of the Queen; and the Protestant Operatives of Dublin call for impeachments in exceedingly bad English. But what did you expect? Did you think, when, to serve your turn, you called the Devil up, that it was as easy to lay him as to raise him? Did you think, when you went on, session after session,

¹ [Hugh McNeile finally became Dean of Ripon on the recommendation of Disraeli (1868), overriding the Queen's doubts.]

thwarting and reviling those whom you knew to be in the right, and flattering all the worst passions of those whom you knew to be in the wrong, that the day of reckoning would never come? It has come. There you sit, doing penance for the disingenuousness of years. If it be not so, stand up manfully, and clear your fame before the House and the country. Show us that some steady principle has guided your conduct with respect to Irish affairs. Show us how, if you are honest in 1845, you can have been honest in 1841. Explain to us why, after having goaded Ireland to madness for the purpose of ingratiating yourselves with the English, you are now setting England on fire for the purpose of ingratiating yourselves with the Irish. Give us some reason which shall prove that the policy which you are following, as Ministers, is entitled to support, and which shall not equally prove you to have been the most factious and unprincipled opposition that ever this country saw.

But, Sir, am I, because I think thus of the conduct of Her Majesty's Ministers, to take the counsel of the honorable Member for Shrewsbury and to vote against their bill? Not so. I know well that the fate of this bill and the fate of the administration are in our hands. But far be it from us to imitate the arts by which we were overthrown. The spectacle exhibited on the bench opposite will do quite mischief enough. That mischief will not be lessened, but doubled, if there should be an answering display of inconsistency on this side of the House. If this bill, having been introduced by Tories, shall be rejected by Whigs, both the great parties in the State will be alike discredited. There will be one vast shipwreck of all the public character in the country. Therefore, making up my mind to sacrifices which are not unattended with pain, and repressing some feelings which stir strongly within me, I have determined to give my strenuous support to this bill. Yes, Sir, to this bill, and to every bill which shall seem

to me likely to promote the real Union of Great Britain and Ireland, I will give my support, regardless of obloquy, regardless of the risk which I may run of losing my seat in Parliament. For such obloquy I have learned to consider as true glory; and as to my seat, I am determined that it never shall be held by an ignominious tenure; and I am sure that it can never be lost in a more honorable cause.

*A Speech delivered in the House of
Commons on the 23rd of April, 1845*

ON the twenty-third of April, 1845, the order of the day for going into Committee on the Maynooth College Bill was read. On the motion that the Speaker should leave the chair, Mr. Ward, Member for Sheffield, proposed the following amendment:

‘That it is the opinion of this House that any provision to be made for the purposes of the present Bill ought to be taken from the funds already applicable to ecclesiastical purposes in Ireland.’

After a debate of two nights the amendment was rejected by 322 votes to 148. On the first night the following Speech was made.

I WAS desirous, Sir, to catch your eye this evening, because it happens that I have never yet found an opportunity of fully explaining my views on the important subject of the Irish Church. Indeed, I was not in this country when that subject for a time¹ threw every other into the shade, disturbed the whole political world, produced a schism in the Administration of Lord Grey, and overthrew the short Administration of the right honorable Baronet opposite. The motion now before us opens, I conceive, the whole question. My honorable friend the member for Sheffield, indeed, asks us only to transfer twenty-six thousand pounds a year from the Established Church of Ireland to the College of Maynooth. But this notion, I think, resembles an action of ejectment brought for a single farm, with the view of trying the title to a large estate. Whoever refuses to assent to what is now proposed must be considered as holding the opinion that the property of the Irish Church ought to be held inviolate: and I can scarcely think that any person will vote for what is now pro-

¹ [In 1834 and 1835. Ten Irish bishoprics were suppressed, and the split came on the application of the revenues.]

posed, who is not prepared to go very much farther. The point at issue, I take, therefore, to be this; whether the Irish Church, as now constituted, shall be maintained or not?

Now, Sir, when a legislator is called upon to decide whether an institution shall be maintained or not, it seems to me that he ought in the first place to examine whether it be a good or a bad institution. This may sound like a truism; but if I am to judge by the speeches which, on this and former occasions, have been made by gentlemen opposite, it is no truism, but an exceedingly recondite truth. I, Sir, think the Established Church of Ireland a bad institution. I will go farther. I am not speaking in anger, or with any wish to excite anger in others; I am not speaking with rhetorical exaggeration: I am calmly and deliberately expressing, in the only appropriate terms, an opinion which I formed many years ago, which all my observations and reflections have confirmed, and which I am prepared to support by reasons, when I say that, of all the institutions now existing in the civilised world, the Established Church of Ireland seems to me the most absurd.

I cannot help thinking that the speeches of those who defend this Church suffice of themselves to prove that my views are just. For who ever heard anybody defend it on its merits? Has any gentleman to-night defended it on its merits? We are told of the Roman Catholic oath; as if that oath, whatever be its meaning, whatever be the extent of the obligation which it lays on the consciences of those who take it, could possibly prove this Church to be a good thing. We are told that Roman Catholics of note, both laymen and divines, fifty years ago, declared that, if they were relieved from the disabilities under which they then lay, they should willingly see the Church of Ireland in possession of all its endowments: as if anything that anybody said fifty years ago could absolve us from the plain duty

of doing what is now best for the country. We are told of the Fifth Article of Union; as if the Fifth Article of Union were more sacred than the Fourth. Surely, if there be any article of the Union which ought to be regarded as inviolable, it is the Fourth, which settles the number of members whom Great Britain and Ireland respectively are to send to Parliament. Yet the provisions of the Fourth Article have been altered with the almost unanimous assent of all parties in the State. The change was proposed by the noble lord who is now Secretary for the Colonies. It was supported by the right honorable Baronet the Secretary for the Home Department,¹ and by other Members of the present Administration. And so far were the opponents of the Reform Bill from objecting to this infraction of the Treaty of Union that they were disposed to go still farther. I well remember the night on which we debated the question, whether Members should be given to Finsbury, Marylebone, Lambeth, and the Tower Hamlets. On that occasion, the Tories attempted to seduce the Irish Reformers from us by promising that Ireland should have a share of the plunder of the metropolitan districts. After this, Sir, I must think it childish in gentlemen opposite to appeal to the Fifth Article of the Union. With still greater surprise, did I hear the right honorable gentleman the Secretary for Ireland say that, if we adopt this amendment, we shall make all landed and funded property insecure. I am really ashamed to answer such an argument. Nobody proposes to touch any vested interest; and surely it cannot be necessary for me to point out to the right honorable gentleman the distinction between property in which some person has a vested interest, and property in which no person has a vested interest. That distinction is part of the very rudiments of political science. Then the right honorable gentleman quarrels with the form of the amendment.

¹ [Lord Stanley and Sir James Graham.]

Why, Sir, perhaps a more convenient form might have been adopted. But is it by cavils like these that a great institution should be defended? And who ever heard the Established Church of Ireland defended except by cavils like these? Who ever heard any of her advocates speak a manly and statesmanlike language? Who ever heard any of her advocates say, 'I defend this institution because it is a good institution: the ends for which an Established Church exists are such and such: and I will show you that this Church attains those ends?' Nobody says this. Nobody has the hardihood to say it. What divine, what political speculator who has written in defence of ecclesiastical establishments, ever defended such establishments on grounds which will support the Church of Ireland? What panegyric has ever been pronounced on the Churches of England and Scotland, which is not a satire on the Church of Ireland? What traveller comes among us who is not moved to wonder and derision by the Church of Ireland? What foreign writer on British affairs, whether European or American, whether Protestant or Catholic, whether Conservative or Liberal, whether partial to England or prejudiced against England, ever mentions the Church of Ireland without expressing his amazement that such an establishment should exist among reasonable men?

And those who speak thus of this Church speak justly. Is there anything else like it? Was there ever anything else like it? The world is full of ecclesiastical establishments: but such a portent as this Church of Ireland is nowhere to be found. Look round the Continent of Europe. Ecclesiastical establishments from the White Sea to the Mediterranean: ecclesiastical establishments from the Wolga to the Atlantic: but nowhere the Church of a small minority enjoying exclusive establishment. Look at America. There you have all forms of Christianity, from Mormonism, if you call Mormonism Christianity,

to Romanism. In some places, you have the voluntary system. In some you have several religions connected with the State. In some you have the solitary ascendancy of a single Church. But nowhere, from the Arctic Circle to Cape Horn, do you find the Church of a small minority exclusively established. Look round our own empire. We have an Established Church of England; it is the Church of the majority. There is an Established Church in Scotland. When it was set up, it was the Church of the majority. A few months ago, it was the Church of the majority. I am not quite sure that, even after the late unhappy disruption, it is the Church of the minority. In our colonies the State does much for the support of religion; but in no colony, I believe, do we give exclusive support to the religion of the minority. Nay, even in those parts of the empire where the great body of the population is attached to absurd and immoral superstitions, you have not been guilty of the folly and injustice of calling on them to pay for a Church which they do not want. We have not portioned out Bengal and the Carnatic into parishes, and scattered Christian rectors, with stipends and glebes, among millions of Pagans and Mahometans. We keep, indeed, a small Christian establishment, or rather three small Christian establishments, Anglican, Presbyterian, and Catholic. But we keep them only for the Christians in our civil and military services; and we leave untouched the revenues of the mosques and temples. In one country alone is to be seen the spectacle of a community of eight millions of human beings, with a Church which is the Church of only eight hundred thousand.

It has been often said, and has been repeated to-night by the honorable Member for Radnor, that this Church, though it includes only a tenth part of the population, has more than half the wealth of Ireland. But is that an argument in favour of the

present system? Is it not the strongest argument that can be urged in favour of an entire change? It is true that there are many cases in which it is fit that property should prevail over number. Those cases may, I think, be all arranged in two classes. One class consists of those cases in which the preservation or improvement of property is the object in view. Thus, in a railway company, nothing can be more reasonable than that one proprietor who holds five hundred shares should have more power than five proprietors who hold one share each. The other class of cases in which property may justly confer privileges is where superior intelligence is required. Property is indeed but a very imperfect test of intelligence. But, when we are legislating on a large scale, it is perhaps the best which we can apply. For, where there is no property, there can very seldom be any mental cultivation. It is on this principle that special jurors, who have to try causes of peculiar nicety, are taken from a wealthier order than that which furnishes common jurors. But there cannot be a more false analogy than to reason from these cases to the case of an Established Church. So far is it from being true that, in establishing a Church, we ought to pay more regard to one rich man than to five poor men, that the direct reverse is the sound rule. We ought to pay more regard to one poor man than to five rich men. For, in the first place, the public ordinances of religion are of far more importance to the poor man than to the rich man. I do not mean to say that a rich man may not be the better for hearing sermons and joining in public prayers. But these things are not indispensable to him; and, if he is so situated that he cannot have them, he may find substitutes. He has money to buy books, time to study them, understanding to comprehend them. Every day he may commune with the minds of Hooker, Leighton, and Barrow. He therefore stands less in need of the oral instruction of a divine than

a peasant who cannot read, or who, if he can read, has no money to procure books, or leisure to peruse them. Such a peasant, unless instructed by word of mouth, can know no more of Christianity than a wild Hottentot. Nor is this all. The poor man not only needs the help of a minister of religion more than the rich man, but is less able to procure it. If there were no established Church, people in our rank of life would always be provided with preachers to their mind at an expense which they would scarcely feel. But when a poor man, who can hardly give his children their fill of potatoes, has to sell his pig in order to pay something to his priest, the burden is a heavy one. This is, in fact, the strongest reason for having an established church in any country. It is the one reason which prevents me from joining with the partisans of the voluntary system. I should think their arguments unanswerable if the question regarded the upper and middle classes only. If I would keep up the Established Church of England, it is not for the sake of lords, and baronets, and country gentlemen of five thousand pounds a-year, and rich bankers in the city. I know that such people will always have churches, aye, and cathedrals, and organs, and rich communion plate. The person about whom I am uneasy is the working man; the man who would find it difficult to pay even five shillings or ten shillings a-year out of his small earnings for the ministrations of religion. What is to become of him under the voluntary system? Is he to go without religious instruction altogether? That we should all think a great evil to himself, and a great evil to society. Is he to pay for it out of his slender means? That would be a heavy tax. Is he to be dependent on the liberality of others? That is a somewhat precarious and a somewhat humiliating dependence. I prefer, I own, that system under which there is, in the rudest and most secluded district, a house of God, where public worship is

performed after a fashion acceptable to the great majority of the community, and where the poorest may partake of the ordinances of religion, not as an alms, but as a right. But does this argument apply to a Church like the Church of Ireland? It is not necessary on this occasion to decide whether the arguments in favour of ecclesiastical establishments, or the arguments in favour of the voluntary system, be the stronger. There are weighty considerations on both sides. Balancing them as well as I can, I think that, as respects England, the preponderance is on the side of the Establishment. But, as respects Ireland, there is no balancing. All the weights are in one scale. All the arguments which incline us against the Church of England, and all the arguments which incline us in favour of the Church of England, are alike arguments against the Church of Ireland; against the Church of the few; against the Church of the wealthy; against the Church which, reversing every principle on which a Christian Church should be founded, fills the rich with its good things, and sends the hungry empty away.

One view which has repeatedly, both in this House and out of it, been taken of the Church of Ireland, seems to deserve notice. It is admitted, as indeed it could not well be denied, that this Church does not perform the functions which are everywhere else expected from similar institutions; that it does not instruct the body of the people. But, it is said, we must regard this Church as an aggressive Church, a proselytizing Church, a Church militant among spiritual enemies. Its office is to spread Protestantism over Munster and Connaught. I remember well that, eleven years ago, when Lord Grey's Government proposed to reduce the number of Irish bishoprics, this language was held. It was acknowledged that there were more bishops than the number of persons then in communion with the Established Church required. But that number, we were assured,

would not be stationary; and the hierarchy, therefore, ought to be constituted with a view to the millions of converts who would soon require the care of Protestant pastors. I well remember the strong expression which was then used by my honorable friend, the Member for the University of Oxford. We must, he said, make allowance for the expansive force of Protestantism. A few nights ago a noble lord for whom I, in common with the whole House, feel the greatest respect, the Member for Dorsetshire,¹ spoke of the missionary character of the Church of Ireland. Now, Sir, if such language had been held at the Council Board of Queen Elizabeth when the constitution of this Church was first debated there, there would have been no cause for wonder. Sir William Cecil or Sir Nicholas Bacon might very naturally have said, 'There are few Protestants now in Ireland, it is true. But when we consider how rapidly the Protestant theology has spread, when we remember that it is little more than forty years since Martin Luther began to preach against indulgences, and when we see that one half of Europe is now emancipated from the old superstition, we may reasonably expect that the Irish will soon follow the example of the other nations which have embraced the doctrines of the Reformation.' Cecil, I say, and his colleagues might naturally entertain this expectation, and might without absurdity make preparations for an event which they regarded as in the highest degree probable. But we, who have seen this system in full operation from the year 1560 to the year 1845, ought to have been taught better, unless indeed we are past all teaching. Two hundred and eighty-five years has this Church been at work. What could have been done for it in the way of authority, privileges, endowments, which has not been done? Did any other set of bishops and priests in the world ever receive so much for doing

¹ Lord Ashley.

so little? Nay, did any other set of bishops and priests in the world ever receive half as much for doing twice as much? And what have we to show for all this lavish expenditure? What but the most zealous Roman Catholic population on the face of the earth? Where you were one hundred years ago, where you were two hundred years ago, there you are still, not victorious over the domain of the old faith, but painfully and with dubious success defending your own frontier, your own English pale. Sometimes a deserter leaves you. Sometimes a deserter steals over to you. Whether your gains or losses of this sort be the greater I do not know; nor is it worth while to inquire. On the great solid mass of the Roman Catholic population you have made no impression whatever. There they are, as they were ages ago, ten to one against the members of your Established Church. Explain this to me. I speak to you, the zealous Protestants on the other side of the House. Explain this to me on Protestant principles. If I were a Roman Catholic, I could easily account for the phenomena. If I were a Roman Catholic, I should content myself with saying that the mighty hand and the outstretched arm had been put forth, according to the promise, in defence of the unchangeable Church; that He who in the old time turned into blessings the curses of Balaam, and smote the host of Sennacherib, had signally confounded the arts of heretic statesmen. But what is a Protestant to say? He holds that, through the whole of this long conflict, during which ten generations of men have been born and have died, reason and Scripture have been on the side of the Established Clergy. Tell us then what we are to say of this strange war, in which reason and Scripture, backed by wealth, by dignity, by the help of the civil power, have been found no match for oppressed and destitute error? The fuller our conviction that our doctrines are right,

the fuller, if we are rational men, must be our conviction that our tactics have been wrong, and that we have been encumbering the cause which we meant to aid.

Observe, it is not only the comparative number of Roman Catholics and Protestants that may justly furnish us with matter for serious reflection. The quality as well as the quantity of Irish Romanism deserves to be considered. Is there any other country inhabited by a mixed population of Catholics and Protestants, any other country in which Protestant doctrines have long been freely promulgated from the press and from the pulpit, where the Roman Catholic spirit is so strong as in Ireland? I believe not. The Belgians are generally considered as very stubborn and zealous Roman Catholics. But I do not believe that either in stubbornness or in zeal they equal the Irish. And this is the fruit of three centuries of Protestant archbishops, bishops, archdeacons, deans, and rectors. And yet where is the wonder? Is this a miracle that we should stand aghast at it? Not at all. It is a result which human prudence ought to have long ago foreseen and long ago averted. It is the natural succession of effect to cause. If you do not understand it, it is because you do not understand what the nature and operation of a Church is. There are parts of the machinery of Government which may be just as efficient when they are hated as when they are loved. An army, a navy, a preventive service, a police force, may do their work whether the public feeling be with them or against them. Whether we dislike the corn laws or not, your custom houses and your coast guard keep out foreign corn. The multitude at Manchester was not the less effectually dispersed by the yeomanry, because the interference of the yeomanry excited the bitterest indignation. There the object was to produce a material effect; the material means were sufficient; and nothing more was required. But a

Church exists for moral ends. A Church exists to be loved, to be revered, to be heard with docility, to reign in the understandings and hearts of men. A Church which is abhorred is useless or worse than useless; and to quarter a hostile Church on a conquered people, as you would quarter a soldiery, is therefore the most absurd of mistakes. This mistake our ancestors committed. They posted a Church in Ireland just as they posted garrisons in Ireland. The garrisons did their work. They were disliked. But that mattered not. They had their forts and their arms; and they kept down the aboriginal race. But the Church did not do its work. For to that work the love and confidence of the people were essential.

I may remark in passing that, even under more favourable circumstances, a parochial priesthood is not a good engine for the purpose of making proselytes. The Church of Rome, whatever we may think of her ends, has shown no want of sagacity in the choice of means; and she knows this well. When she makes a great aggressive movement,—and many such movements she has made with signal success,—she employs, not her parochial clergy, but a very different machinery. The business of her parish priests is to defend and govern what has been won. It is by the religious orders, and especially by the Jesuits, that the great acquisitions have been made. In Ireland your parochial clergy lay under two great disadvantages. They were endowed, and they were hated; so richly endowed that few among them cared to turn missionaries; so bitterly hated that those few had but little success. They long contented themselves with receiving the emoluments arising from their benefices, and neglected those means to which, in other parts of Europe, Protestantism had owed its victory. It is well known that of all the instruments employed by the Reformers of Germany, of England, and of Scotland, for the purpose of moving the public mind, the most powerful was the Bible

translated into the vernacular tongues. In Ireland the Protestant Church had been established near half a century before the New Testament was printed in Erse. The whole Bible was not printed in Erse till this Church had existed more than one hundred and twenty years. Nor did the publication at last take place under the patronage of the lazy and wealthy hierarchy. The expense was defrayed by a layman, the illustrious Robert Boyle. So things went on century after century. Swift, more than a hundred years ago, described the prelates of his country as men gorged with wealth and sunk in indolence, whose chief business was to bow and job at the Castle. The only spiritual function, he says, which they performed was ordination; and, when he saw what persons they ordained, he doubted whether it would not be better that they should neglect that function as they neglected every other. Those, Sir, are now living who can well remember how the revenues of the richest see in Ireland were squandered on the shores of the Mediterranean by a bishop, whose epistles, very different compositions from the epistles of Saint Peter and Saint John, may be found in the correspondence of Lady Hamilton. Such abuses as these called forth no complaint, no reprimand. And all this time the true pastors of the people, meanly fed and meanly clothed, frowned upon by the law, exposed to the insults of every petty squire who gloried in the name of Protestant, were to be found in miserable cabins, amidst filth, and famine, and contagion, instructing the young, consoling the miserable, holding up the crucifix before the eyes of the dying. Is it strange that, in such circumstances, the Roman Catholic religion should have been constantly becoming dearer and dearer to an ardent and sensitive people, and that your Established Church should have been constantly sinking lower and lower in their estimation? I do not of course hold the living clergy of the Irish

Church answerable for the faults of their predecessors. God forbid! To do so would be the most flagitious injustice. I know that a salutary change has taken place. I have no reason to doubt that in learning and regularity of life the Protestant clergy of Ireland are on a level with the clergy of England. But in the way of making proselytes they do as little as those who preceded them. An enmity of three hundred years separates the nation from those who should be its teachers. In short, it is plain that the mind of Ireland has taken its ply, and is not to be bent in a different direction, or, at all events, is not to be so bent by your present machinery.

Well, then, this Church is inefficient as a missionary Church. But there is yet another end which, in the opinion of some eminent men, a Church is meant to serve. That end has been often in the minds of practical politicians. But the first speculative politician who distinctly pointed it out was Mr. Hume. Mr. Hume, as might have been expected from his known opinions, treated the question merely as it related to the temporal happiness of mankind; and, perhaps, it may be doubted whether he took quite a just view of the manner in which even the temporal happiness of mankind is affected by the restraints and consolations of religion. He reasoned thus:—It is dangerous to the peace of society that the public mind should be violently excited on religious subjects. If you adopt the voluntary system, the public mind will always be so excited. For every preacher, knowing that his bread depends on his popularity, seasons his doctrine high, and practises every art for the purpose of obtaining an ascendancy over his hearers. But when the Government pays the minister of religion, he has no pressing motive to inflame the zeal of his congregation. He will probably go through his duties in a somewhat perfunctory manner. His power will not be very formidable; and, such as it is, it will be employed in support

of that order of things under which he finds himself so comfortable. Now, Sir, it is not necessary to inquire whether Mr. Hume's doctrine be sound or unsound. For, sound or unsound, it furnishes no ground on which you can rest the defence of the institution which we are now considering. It is evident that by establishing in Ireland the Church of the minority in connection with the State, you have produced, in the very highest degree, all those evils which Mr. Hume considered as inseparable from the voluntary system. You may go all over the world without finding another country where religious differences take a form so dangerous to the peace of society; where the common people are so much under the influence of their priests; or where the priests who teach the common people are so completely estranged from the civil Government.

And now, Sir, I will sum up what I have said. For what end does the Church of Ireland exist? Is that end the instruction and solace of the great body of the people? You must admit that the Church of Ireland has not attained that end. Is the end which you have in view the conversion of the great body of the people from the Roman Catholic religion to a purer form of Christianity? You must admit that the Church of Ireland has not attained that end. Or do you propose to yourselves the end contemplated by Mr. Hume, the peace and security of civil society? You must admit that the Church of Ireland has not attained that end. In the name of common sense, then, tell us what good end this Church has attained; or suffer us to conclude, as I am forced to conclude, that it is emphatically a bad institution.

It does not, I know, necessarily follow that, because an institution is bad, it is therefore to be immediately destroyed. Sometimes a bad institution takes a strong hold on the hearts of mankind, intertwines its roots with the very foundations of society, and is not to be removed without serious peril to

order, law, and property. For example, I hold polygamy to be one of the most pernicious practices that exist in the world. But if the Legislative Council of India were to pass an Act prohibiting polygamy, I should think that they were out of their senses. Such a measure would bring down the vast fabric of our Indian Empire with one crash. But is there any similar reason for dealing tenderly with the Established Church of Ireland? That Church, Sir, is not one of those bad institutions which ought to be spared because they are popular, and because their fall would injure good institutions. It is, on the contrary, so odious, and its vicinage so much endangers valuable parts of our polity, that, even if it were in itself a good institution, there would be strong reasons for giving it up.

The honorable gentleman who spoke last told us that we cannot touch this Church without endangering the Legislative Union. 'Sir, I have given my best attention to this important point; and I have arrived at a very different conclusion. The question to be determined is this;— What is the best way of preserving political union between countries in which different religions prevail? With respect to this question we have, I think, all the light which history can give us. There is no sort of experiment described by Lord Bacon which we have not tried. Inductive philosophy is of no value if we cannot trust to the lessons derived from the experience of more than two hundred years. England has long been closely connected with two countries less powerful than herself, and differing from herself in religion. The Scottish people are Presbyterians; the Irish people are Roman Catholics. We determined to force the Anglican system on both countries. In both countries great discontent was the result. At length Scotland rebelled. Then Ireland rebelled. The Scotch and Irish rebellions, taking place at a time when the public mind of England was greatly and

justly excited, produced the Great Rebellion here, the downfall of the Monarchy, of the Church, and of the Aristocracy. After the Restoration we again tried the old system. During twenty-eight years we persisted in the attempt to force Prelacy on the Scotch; and the consequence was, during those twenty-eight years Scotland exhibited a frightful spectacle of misery and depravity. The history of that period is made up of oppression and resistance, of insurrections, barbarous punishments, and assassinations. One day a crowd of zealous rustics stand desperately on their defence, and repel the dragoons. Next day the dragoons scatter and hew down the flying peasantry. One day the kneebones of a wretched Covenanter are beaten flat in that accursed boot. Next day the Lord Primate is dragged out of his carriage by a band of raving fanatics, and, while screaming for mercy, is butchered at the feet of his own daughter. So things went on, till at last we remembered that institutions are made for men, and not men for institutions. A wise Government desisted from the vain attempt to maintain an Episcopal Establishment in a Presbyterian nation. From that moment the connection between England and Scotland became every year closer and closer. There were still, it is true, many causes of animosity. There was an old antipathy between the nations, the effect of many blows given and received on both sides. All the greatest calamities that had befallen Scotland had been inflicted by England. The proudest events in Scottish history were victories obtained over England. Yet all angry feelings died rapidly away. The union of the nations became complete. The oldest man living does not remember to have heard any demagogue breathe a wish for separation. Do you believe that this would have happened if England had, after the Revolution, persisted in attempting to force the surplice and the Prayer Book on the Scotch? I tell you that, if you

had adhered to the mad scheme of having a religious union with Scotland, you never would have had a cordial political union with her. At this very day you would have had monster meetings on the north of the Tweed, and another Conciliation Hall, and another repeal button, with the motto, 'Nemo me impune lacessit.' In fact, England never would have become the great power that she is. For Scotland would have been, not an addition to the effective strength of the Empire, but a deduction from it. As often as there was a war with France or Spain, there would have been an insurrection in Scotland. Our country would have sunk into a kingdom of the second class. One such Church as that about which we are now debating is a serious encumbrance to the greatest empire. Two such Churches no empire could bear. You continued to govern Ireland during many generations as you had governed Scotland in the days of Lauderdale and Dundee. And see the result. Ireland has remained, indeed, a part of your Empire. But you know her to be a source of weakness rather than of strength. Her misery is a reproach to you. Her discontent doubles the dangers of war. Can you, with such facts before you, doubt about the course which you ought to take? Imagine a physician with two patients, both afflicted with the same disease. He applies the same sharp remedies to both. Both become worse and worse with the same inflammatory symptoms. Then he changes his treatment of one case, and gives soothing medicines. The sufferer revives, grows better day by day, and is at length restored to perfect health. The other patient is still subjected to the old treatment, and becomes constantly more and more disordered. How would a physician act in such a case? And are not the principles of experimental philosophy the same in politics as in medicine?

Therefore, Sir, I am fully prepared to take strong measures with regard to the Established Church of

Ireland. It is not necessary for me to say precisely how far I would go. I am aware that it may be necessary, in this as in other cases, to consent to a compromise. But the more complete the reform which may be proposed, provided always that vested rights be, as I am sure they will be, held strictly sacred, the more cordially shall I support it.

That some reform is at hand I cannot doubt. In a very short time we shall see the evils which I have described mitigated, if not entirely removed. A Liberal Administration would make this concession to Ireland from a sense of justice. A Conservative Administration will make it from a sense of danger. The right honorable Baronet has given the Irish a lesson which will bear fruit. It is a lesson which rulers ought to be slow to teach; for it is one which nations are but too apt to learn. We have repeatedly been told by acts,—we are now told almost in express words,—that agitation and intimidation are the means which ought to be employed by those who wish for redress of grievances from the party now in power. Such indeed has too long been the policy of England towards Ireland; but it was surely never before avowed with such indiscreet frankness. Every epoch which is remembered with pleasure on the other side of St. George's Channel coincides with some epoch which we here consider as disastrous and perilous. To the American war and the volunteers the Irish Parliament owed its independence. To the French revolutionary war the Irish Roman Catholics owed the elective franchise. It was in vain that all the great orators and statesmen of two generations exerted themselves to remove the Roman Catholic disabilities, Burke, Fox, Pitt, Windham, Grenville, Grey, Plunkett, Wellesley, Grattan, Canning, Wilberforce. Argument and expostulation were fruitless. At length pressure of a stronger kind was boldly and skilfully applied; and soon all difficulties gave way. The Catholic Association, the Clare

election, the dread of civil war, produced the Emancipation Act. Again, the cry of No Popery was raised. That cry was successful. A faction which had reviled in the bitterest terms the mild administration of Whig Viceroys, and which was pledged to the wholesale disfranchisement of the Roman Catholics, rose to power. One leading member of that faction had drawn forth loud cheers by declaiming against the minions of Popery. Another had designated six millions of Irish Catholics as aliens. A third had publicly declared his conviction, that a time was at hand when all Protestants of every persuasion would find it necessary to combine firmly against the encroachments of Romanism. From such men we expected nothing but oppression and intolerance. We are agreeably disappointed to find that a series of conciliatory bills is brought before us. But, in the midst of our delight, we cannot refrain from asking for some explanation of so extraordinary a change. We are told in reply, that the monster meetings of 1843 were very formidable, and that our relations with America are in a very unsatisfactory state. The public opinion of Ireland is to be consulted, the religion of Ireland is to be treated with respect, not because equity and humanity plainly enjoin that course; for equity and humanity enjoined that course as plainly when you were calumniating Lord Normanby, and hurrying forward your Registration Bill; but because Mr. O'Connell and Mr. Polk¹ have between them made you very uneasy. Sir, it is with shame, with sorrow, and, I will add, with dismay, that I listen to such language. I have hitherto disapproved of the monster meetings of 1843. I have disapproved of the way in which Mr. O'Connell and some other Irish representatives have seceded from this House. I should not have chosen to apply to those gentlemen the precise words which

¹ [President U.S.A. The reference is to the dispute over the Oregon boundary and the ownership of Vancouver Island.]

were used on a former occasion by the honorable and learned Member for Bath. But I agreed with him in substance. I thought it highly to the honor of my right honorable friend the Member for Dungarvon, and of my honorable friends the Members for Kildare, for Roscommon, and for the city of Waterford, that they had the moral courage to attend the service of this House, and to give us the very valuable assistance which they are, in various ways, so well qualified to afford. But what am I to say now? How can I any longer deny that the place where an Irish gentleman may best serve his country is Conciliation Hall? How can I expect that any Irish Roman Catholic can be very sorry to learn that our foreign relations are in an alarming state, or can rejoice to hear that all danger of war has blown over? I appeal to the Conservative Members of this House. I ask them whither we are hastening? I ask them what is to be the end of a policy of which it is the principle to give nothing to justice, and everything to fear? We have been accused of truckling to Irish agitators. But I defy you to show us that we ever made or are now making to Ireland a single concession which was not in strict conformity with our known principles. You may therefore trust us, when we tell you that there is a point where we will stop. Our language to the Irish is this:—‘You asked for emancipation: it was agreeable to our principles that you should have it; and we assisted you to obtain it. You wished for a municipal system, as popular as that which exists in England: we thought your wish reasonable, and did all in our power to gratify it. This grant to Maynooth is, in our opinion, proper; and we will do our best to obtain it for you, though it should cost us our popularity and our seats in Parliament. The Established Church in your island, as now constituted, is a grievance of which you justly complain. We will strive to redress that grievance. The repeal of the Union we regard as fatal to the empire: and we never

will consent to it; never, though the country should be surrounded by dangers as great as those which threatened her when her American colonies, and France, and Spain, and Holland, were leagued against her, and when the armed neutrality of the Baltic disputed her maritime rights; never, though another Bonaparte should pitch his camp in sight of Dover Castle; never, till all has been staked and lost; never, till the four quarters of the world have been convulsed by the last struggle of the great English people for their place among the nations.' This, Sir, is the true policy. When you give, give frankly. When you withhold, withhold resolutely. Then what you give is received with gratitude; and, as for what you withhold, men, seeing that to wrest it from you is no safe or easy enterprise, cease to hope for it, and in time, cease to wish for it. But there is a way of so withholding as merely to excite desire, and of so giving as merely to excite contempt; and that way the present Ministry has discovered. Is it possible for me to doubt that in a few months the same machinery which sixteen years ago extorted from the men now in power the Emancipation Act, and which has now extorted from them the bill before us, will again be put in motion? Who shall say what will be the next sacrifice? For my own part I firmly believe that, if the present Ministers remain in power five years longer, and if we should have,—which God avert!—a war with France or America, the Established Church of Ireland will be given up. The right honorable Baronet will come down to make a proposition conceived in the very spirit of the Motions which have repeatedly been made by my honorable friend the Member for Sheffield. He will again be deserted by his followers; he will again be dragged through his difficulties by his opponents. Some honest Lord of the Treasury may determine to quit his office rather than belie all the professions of a life. But there will be little difficulty in finding

a successor ready to change all his opinions at twelve hours' notice. I may perhaps, while cordially supporting the bill, again venture to say something about consistency, and about the importance of maintaining a high standard of political morality. The right honorable Baronet will again tell me, that he is anxious only for the success of his measure, and that he does not choose to reply to taunts. And the right honorable gentleman the Chancellor of the Exchequer¹ will produce Hansard, will read to the House my speech of this night, and will most logically argue that I ought not to reproach the Ministers with their inconsistency, seeing that I had, from my knowledge of their temper and principles, predicted to a tittle the nature and extent of that inconsistency.

Sir, I have thought it my duty to brand with strong terms of reprehension the practice of conceding, in time of public danger, what is obstinately withheld in time of public tranquillity. I am prepared, and have long been prepared, to grant much, very much, to Ireland. But if the Repeal Association were to dissolve itself to-morrow, and if the next steamer were to bring news that all our differences with the United States were adjusted in the most honorable and friendly manner, I would grant to Ireland neither more nor less than I would grant if we were on the eve of a rebellion like that of 1798; if war were raging all along the Canadian frontier; and if thirty French sail of the line were confronting our fleet in St. George's Channel. I give my vote from my heart and soul for the amendment of my honorable friend. He calls on us to make to Ireland a concession, which ought in justice to have been made long ago, and which may be made with grace and dignity even now. I well know that you will refuse to make it now. I know as well that you will make it hereafter. You will make it as every concession to Ireland has been made. You will make it when its

¹ [Mr. H. Goulburn.]

effect will be, not to appease, but to stimulate agitation. You will make it when it will be regarded, not as a great act of national justice, but as a confession of national weakness. You will make it in such a way, and at such a time, that there will be but too much reason to doubt whether more mischief has been done by your long refusal, or by your tardy and enforced compliance.

*A Speech delivered in the House of
Commons on the 22nd of May, 1846*

ON the twenty-ninth of April, 1846, Mr. Fielden, Member for Oldham, moved the second reading of a Bill for limiting the labour of young persons in factories to ten hours a day. The debate was adjourned, and was repeatedly resumed at long intervals. At length on the twenty-second of May the bill was rejected by 203 votes to 193.¹ On that day the following Speech was made.

It is impossible, Sir, that I can remain silent after the appeal which has been made to me in so pointed a manner by my honorable friend the Member for Sheffield.² And, even if that appeal had not been made to me, I should have been very desirous to have an opportunity of explaining the grounds on which I shall vote for the second reading of this bill.

It is, I hope, unnecessary for me to assure my honorable friend that I utterly disapprove of those aspersions which have, both in this House and out of it, been thrown on the owners of factories. For that valuable class of men I have no feeling but respect and good will. I am convinced that with their interests the interests of the whole community, and especially of the labouring classes, are inseparably bound up. I can also with perfect sincerity declare that the vote which I shall give to-night will not be a factious vote. In no circumstances indeed should I think that the laws of political hostility warranted me in treating this question as a party question. But at the present moment I would much rather strengthen than weaken the hands of Her Majesty's Ministers.³ It is by no means pleasant to me to be under the necessity of opposing them. I assure them, I assure my friends on this side of the House with whom I

¹ [The Bill was carried in 1847.]

² Mr. Ward.

³ [Because the Bill repealing the Corn Laws was at that moment before the Lords.]

am so unfortunate as to differ, and especially my honorable friend the Member for Sheffield who spoke, I must say, in rather too plaintive a tone, that I have no desire to obtain credit for humanity at their expense. I fully believe that their feeling towards the labouring people is quite as kind as mine. There is no difference between us as to ends: there is an honest difference of opinion as to means: and we surely ought to be able to discuss the points on which we differ without one angry emotion or one acrimonious word.

The details of the bill, Sir, will be more conveniently and more regularly discussed when we consider it in Committee. Our business at present is with the principle: and the principle, we are told by many gentlemen of great authority is unsound. In their opinion, neither this bill, nor any other bill regulating the hours of labour, can be defended. This, they say, is one of those matters about which we ought not to legislate at all; one of those matters which settle themselves far better than any government can settle them. Now it is most important that this point should be fully cleared up. We certainly ought not to usurp functions which do not properly belong to us: but, on the other hand, we ought not to abdicate functions which do properly belong to us. I hardly know which is the greater pest to society, a paternal government, that is to say a prying, meddlesome government, which intrudes itself into every part of human life, and which thinks that it can do everything for everybody better than anybody can do anything for himself; or a careless, lounging government, which suffers grievances, such as it could at once remove, to grow and multiply, and which to all complaint and remonstrance has only one answer: 'We must let things alone: we must let things take their course: we must let things find their level.' There is no more important problem in politics than to ascertain the just mean between these

two most pernicious extremes, to draw correctly the line which divides those cases in which it is the duty of the State to interfere from those cases in which it is the duty of the State to abstain from interference. In old times the besetting sin of rulers was undoubtedly an inordinate disposition to meddle. The lawgiver was always telling people how to keep their shops, how to till their fields, how to educate their children, how many dishes to have on their tables, how much a yard to give for the cloth which made their coats. He was always trying to remedy some evil which did not properly fall within his province; and the consequence was that he increased the evils which he attempted to remedy. He was so much shocked by the distress inseparable from scarcity that he made statutes against forestalling and regrating, and so turned the scarcity into a famine. He was so much shocked by the cunning and hardheartedness of moneylenders that he made laws against usury; and the consequence was that the borrower, who, if he had been left unprotected, would have got money at ten per cent., could hardly, when protected, get it at fifteen per cent. Some eminent political philosophers of the last century exposed with great ability the folly of such legislation, and, by doing so, rendered a great service to mankind. There has been a reaction, a reaction which has doubtless produced much good, but which, like most reactions, has not been without evils and dangers. Our statesmen cannot now be accused of being busybodies. But I am afraid that there is, even in some of the ablest and most upright among them, a tendency to the opposite fault. I will give an instance of what I mean. Fifteen years ago it became evident that railroads would soon, in every part of the kingdom, supersede to a great extent the old highways. The tracing of the new routes which were to join all the chief cities, ports, and naval arsenals of the island was a matter of the highest national

importance. But, unfortunately, those who should have acted for the nation refused to interfere. Consequently, numerous questions which were really public, questions which concerned the public convenience, the public prosperity, the public security, were treated as private questions. That the whole society was interested in having a good system of internal communication seemed to be forgotten. The speculator who wanted a large dividend on his shares, the landowner who wanted a large price for his acres, obtained a full hearing. But nobody applied to be heard on behalf of the community. The effects of that great error we feel, and we shall not soon cease to feel. Unless I am greatly mistaken, we are in danger of committing to-night an error of the same kind. The honorable Member for Montrose¹ and my honorable friend the Member for Sheffield think that the question before us is merely a question between the old and the new theories of commerce. They cannot understand how any friend of free trade can wish the Legislature to interfere between the capitalist and the labourer. They say, 'You do not make a law to settle the price of gloves, or the texture of gloves, or the length of credit which the glover shall give. You leave it to him to determine whether he will charge high or low prices, whether he will use strong or flimsy materials, whether he will trust or insist on ready money. You acknowledge that these are matters which he ought to be left to settle with his customers, and that we ought not to interfere. It is possible that he may manage his shop ill. But it is certain that we shall manage it ill. On the same grounds on which you leave the seller of gloves and the buyer of gloves to make their own contract, you ought to leave the seller of labour and the buyer of labour to make their own contract.'

I have a great respect, Sir, for those who reason thus: but I cannot see this matter in the light in

¹ Mr. Hume.

which it appears to them; and, though I may distrust my own judgment, I must be guided by it. I am, I believe, as strongly attached as any member of this House to the principle of free trade, rightly understood. Trade, considered merely as trade, considered merely with reference to the pecuniary interest of the contracting parties, can hardly be too free. But there is a great deal of trade which cannot be considered merely as trade, and which affects higher than pecuniary interests. And to say that Government never ought to regulate such trade is a monstrous proposition, a proposition at which Adam Smith would have stood aghast. We impose some restrictions on trade for purposes of police. Thus, we do not suffer everybody who has a cab and a horse to ply for passengers in the streets of London. We do not leave the fare to be determined by the supply and the demand. We do not permit a driver to extort a guinea for going half a mile on a rainy day when there is no other vehicle on the stand. We impose some restrictions on trade for the sake of revenue. Thus, we forbid a farmer to cultivate tobacco on his own ground. We impose some restrictions on trade for the sake of national defence. Thus we compel a man who would rather be ploughing or weaving to go into the militia; and we fix the amount of pay which he shall receive without asking his consent. Nor is there in all this anything inconsistent with the soundest political economy. For the science of political economy teaches us only that we ought not on commercial grounds to interfere with the liberty of commerce; and we, in the cases which I have put, interfere with the liberty of commerce on higher than commercial grounds.

And now, Sir, to come closer to the case with which we have to deal, I say, first, that where the health of the community is concerned, it may be the duty of the State to interfere with the contracts of individuals; and to this proposition I am quite sure

that Her Majesty's Government will cordially assent. I have just read a very interesting report signed by two members of that Government, the Duke of Buccleuch, and the noble earl who was lately Chief Commissioner of the Woods and Forests, and who is now Secretary for Ireland¹; and, since that report was laid before the House, the noble earl himself has, with the sanction of the Cabinet, brought in a bill for the protection of the public health. By this bill it is provided that no man shall be permitted to build a house on his own land in any great town without giving notice to certain Commissioners. No man is to sink a cellar without the consent of these Commissioners. The house must not be of less than a prescribed width. No new house must be built without a drain. If an old house has no drain, the Commissioners may order the owner to make a drain. If he refuses, they make a drain for him, and send him in the bill. They may order him to whitewash his house. If he refuses, they may send people with pails and brushes to whitewash it for him, at his charge. Now, suppose that some proprietor of houses at Leeds or Manchester were to expostulate with the Government in the language in which the Government has expostulated with the supporters of this bill for the regulation of factories. Suppose that he were to say to the noble earl, 'Your lordship professes to be a friend of free trade. Your lordship's doctrine is that everybody ought to be at liberty to buy cheap and to sell dear. Why then may not I run up a house as cheap as I can, and let my rooms as dear as I can? Your lordship does not like houses without drains. Do not take one of mine then. You think my bedrooms filthy. Nobody forces you to sleep in them. Use your own liberty: but do not restrain that of your neighbours. I can find many a family willing to pay a shilling a week for leave to live in what you call a hovel. And why am not I to take the shilling

¹ The Earl of Lincoln.

which they are willing to give me? And why are not they to have such shelter as, for that shilling, I can afford them? Why did you send a man without my consent to clean my house, and then force me to pay for what I never ordered? My tenants thought the house clean enough for them; or they would not have been my tenants: and, if they and I were satisfied, why did you, in direct defiance of all the principles of free trade, interfere between us?' This reasoning, Sir, is exactly of a piece with the reasoning of the honorable Member for Montrose, and of my honorable friend the Member for Sheffield. If the noble earl will allow me to make a defence for him, I believe that he would answer the objection thus: 'I hold,' he would say, 'the sound doctrine of free trade. But your doctrine of free trade is an exaggeration, a caricature of the sound doctrine; and by exhibiting such a caricature you bring discredit on the sound doctrine. We should have nothing to do with the contracts between you and your tenants, if those contracts affected only pecuniary interests. But higher than pecuniary interests are at stake. It concerns the commonwealth that the great body of the people should not live in a way which makes life wretched and short, which enfeebles the body and pollutes the mind. If, by living in houses which resemble hogstyes, great numbers of our countrymen have contracted the tastes of hogs, if they have become so familiar with filth and stench and contagion, that they burrow without reluctance in holes which would turn the stomach of any man of cleanly habits, that is only an additional proof that we have too long neglected our duties, and an additional reason for our now performing them.'

Secondly, I say that where the public morality is concerned it may be the duty of the State to interfere with the contracts of individuals. Take the traffic in licentious books and pictures. Will anybody deny that the State may, with propriety, interdict that

traffic? Or take the case of lotteries. I have, we will suppose, an estate for which I wish to get twenty thousand pounds. I announce my intention to issue a thousand tickets at twenty pounds each. The holder of the number which is first drawn is to have the estate. But the magistrate interferes; the contract between me and the purchasers of my tickets is annulled; and I am forced to pay a heavy penalty for having made such a contract. I appeal to the principle of free trade, as expounded by the honorable gentlemen the Members for Montrose and Sheffield. I say to you, the legislators who have restricted my liberty, 'What business have you to interfere between a buyer and a seller? If you think the speculation a bad one, do not take tickets. But do not interdict other people from judging for themselves.' Surely you would answer, 'You would be right if this were a mere question of trade; but it is a question of morality. We prohibit you from disposing of your property in this particular mode, because it is a mode which tends to encourage a most pernicious habit of mind, a habit of mind incompatible with all the qualities on which the well being of individuals and of nations depends.'

It must then, I think, be admitted that, where health is concerned, and where morality is concerned, the State is justified in interfering with the contracts of individuals. And, if this be admitted, it follows that the case with which we now have to do is a case for interference.

Will it be denied that the health of a large part of the rising generation may be seriously affected by the contracts which this bill is intended to regulate? Can any man who has read the evidence which is before us, can any man who has ever observed young people, can any man who remembers his own sensations when he was young, doubt that twelve hours a day in a factory is too much for a lad of thirteen?

Or will it be denied that this is a question in which

public morality is concerned? Can any one doubt,—none, I am sure, of my friends around me doubts,—that education is a matter of the highest importance to the virtue and happiness of a people? Now we know that there can be no education without leisure. It is evident, that after deducting from the day twelve hours for labour in a factory, and the additional hours necessary for exercise, refreshment, and repose, there will not remain time enough for education.

I have now, I think, shown that this bill is not in principle objectionable; and yet I have not touched the strongest part of our case. I hold that, where the public health is concerned, and where the public morality is concerned, the State may be justified in regulating even the contracts of adults. But we propose to regulate only the contracts of infants. Now was there ever a civilised society in which the contracts of infants were not under some regulation? Is there a single member of this house who will say that a wealthy minor of thirteen ought to be at perfect liberty to execute a conveyance of his estate, or to give a bond for fifty thousand pounds? If anybody were so absurd as to say, 'What has the Legislature to do with the matter? Why cannot you leave trade free? Why do you pretend to understand the boy's interest better than he understands it?'—you would answer; 'When he grows up, he may squander his fortune away if he likes: but at present the State is his guardian; and he shall not ruin himself till he is old enough to know what he is about.' The minors whom we wish to protect have not indeed large property to throw away: but they are not the less our wards. Their only inheritance, the only fund to which they must look for their subsistence through life, is the sound mind in the sound body. And is it not our duty to prevent them from wasting that most precious wealth before they know its value?

But, it is said, this bill, though it directly limits

only the labour of infants, will, by an indirect operation, limit also the labour of adults. Now, Sir, though I am not prepared to vote for a bill directly limiting the labour of adults, I will plainly say that I do not think that the limitation of the labour of adults would necessarily produce all those frightful consequences which we have heard predicted. You cheer me in very triumphant tones, as if I had uttered some monstrous paradox. Pray, does it not occur to any of you that the labour of adults is now limited in this country? Are you not aware that you are living in a society in which the labour of adults is limited to six days in seven? It is you, not I, who maintain a paradox opposed to the opinions and the practices of all nations and ages. Did you ever hear of a single civilised State since the beginning of the world in which a certain portion of time was not set apart for the rest and recreation of adults by public authority? In general, this arrangement has been sanctioned by religion. The Egyptians, the Jews, the Greeks, the Romans, had their holidays: the Hindoo has his holidays: the Mussulman has his holidays: there are holidays in the Greek Church, holidays in the Church of Rome, holidays in the Church of England. Is it not amusing to hear a gentleman pronounce with confidence that any legislation which limits the labour of adults must produce consequences fatal to society, without once reflecting that in the society in which he lives, and in every other society that exists, or ever has existed, there has been such legislation without any evil consequence? It is true that a Puritan Government in England, and an Atheistical Government in France, abolished the old holidays as superstitious. But those governments felt it to be absolutely necessary to institute new holidays. Civil festivals were substituted for religious festivals. You will find among the ordinances of the Long Parliament a law providing that, in exchange for the days of rest and amusement

which the people had been used to enjoy at Easter, Whitsuntide, and Christmas, the second Tuesday of every month should be given to the working man, and that any apprentice who was forced to work on the second Tuesday of any month might have his master up before a magistrate. The French Jacobins decreed that the Sunday should no longer be a day of rest; but they instituted another day of rest, the Decade. They swept away the holidays of the Roman Catholic Church; but they instituted another set of holidays, the Sansculottides, one sacred to Genius, one to Industry, one to Opinion, and so on. I say, therefore, that the practice of limiting by law the time of the labour of adults is so far from being, as some gentlemen seem to think, an unheard of and monstrous practice, that it is a practice as universal as cookery, as the wearing of clothes, as the use of domestic animals.

And has this practice been proved by experience to be pernicious? Let us take the instance with which we are most familiar. Let us inquire what has been the effect of those laws which, in our own country, limit the labour of adults to six days in every seven. It is quite unnecessary to discuss the question whether Christians be or be not bound by a divine command to observe the Sunday. For it is evident that, whether our weekly holiday be of divine or of human institution, the effect on the temporal interests of society will be exactly the same. Now is there a single argument in the whole Speech of my honorable friend the Member for Sheffield which does not tell just as strongly against the laws which enjoin the observance of the Sunday as against the bill on our table? Surely, if his reasoning is good for hours, it must be equally good for days.

He says, 'If this limitation be good for the working people, rely on it that they will find it out, and that they will establish it without any law.' Why not reason in the same way about the Sunday? Why not

say, 'If it be a good thing for the people of London to shut their shops one day in seven, they will find it out, and will shut their shops without a law?' Sir, the answer is obvious. I have no doubt that, if you were to poll the shopkeepers of London, you would find an immense majority, probably a hundred to one, in favour of closing shops on the Sunday; and yet it is absolutely necessary to give the wish of the majority the sanction of the law; for, if there were no such law, the minority, by opening their shops, would soon force the majority to do the same.

But, says my honorable friend, you cannot limit the labour of adults unless you fix wages. This proposition he lays down repeatedly, assures us that it is incontrovertible, and indeed seems to think it self-evident; for he has not taken the trouble to prove it. Sir, my answer shall be very short. We have, during many centuries, limited the labour of adults to six days in seven; and yet we have not fixed the rate of wages.

But, it is said, you cannot legislate for all trades; and therefore you had better not legislate for any. Look at the poor sempstress. She works far longer and harder than the factory child. She sometimes plies her needle fifteen, sixteen hours in the twenty-four. See how the housemaid works, up at six every morning, and toiling up stairs and down stairs till near midnight. You own that you cannot do anything for the sempstress and the housemaid. Why then trouble yourself about the factory child? Take care that by protecting one class you do not aggravate the hardships endured by the classes which you cannot protect. Why, Sir, might not all this be said, word for word, against the laws which enjoin the observance of the Sunday? There are classes of people whom you cannot prevent from working on the Sunday. There are classes of people whom, if you could, you ought not to prevent from working on the Sunday. Take the sempstress, of whom so

much has been said. You cannot keep her from sewing and hemming all Sunday in her garret. But you do not think that a reason for suffering Covent Garden Market, and Leadenhall Market, and Smithfield Market, and all the shops from Mile End to Hyde Park to be open all Sunday. Nay, these factories about which we are debating,—does anybody propose that they shall be allowed to work all Sunday? See then how inconsistent you are. You think it unjust to limit the labour of the factory child to ten hours a day, because you cannot limit the labour of the sempstress. And yet you see no justice in limiting the labour of the factory child, aye, and of the factory man, to six days in the week, though you cannot limit the labour of the sempstress.

But, you say, by protecting one class we shall aggravate the sufferings of all the classes which we cannot protect. You say this; but you do not prove it; and all experience proves the contrary. We interfere on the Sunday to close the shops. We do not interfere with the labour of the housemaid. But are the housemaids of London more severely worked on the Sunday than on other days? The fact notoriously is the reverse. For your legislation keeps the public feeling in a right state, and thus protects indirectly those whom it cannot protect directly.

Will my honorable friend the Member for Sheffield maintain that the law which limits the number of working days has been injurious to the working population? I am certain that he will not. How then can he expect me to believe that a law which limits the number of working hours must necessarily be injurious to the working population? Yet he and those who agree with him seem to wonder at our dulness because we do not at once admit the truth of the doctrine which they propound on this subject. They reason thus. We cannot reduce the number of hours of labour in factories without reducing the amount of production. We cannot reduce the

amount of production without reducing the remuneration of the labourer. Meanwhile, foreigners, who are at liberty to work till they drop down dead at their looms, will soon beat us out of all the markets of the world. Wages will go down fast. The condition of our working people will be far worse than it is; and our unwise interference will, like the unwise interference of our ancestors with the dealings of the corn factor and the money lender, increase the distress of the very class which we wish to relieve.

Now, Sir, I fully admit that there might be such a limitation of the hours of labour as would produce the evil consequences with which we are threatened: and this, no doubt, is a very good reason for legislating with great caution, for feeling our way, for looking well to all the details of this bill. But it is certainly not true that every limitation of the hours of labour must produce these consequences. And I am, I must say, surprised when I hear men of eminent ability and knowledge lay down the proposition that a diminution of the time of labour must be followed by a diminution of the wages of labour, as a proposition universally true, as a proposition capable of being strictly demonstrated, as a proposition about which there can be no more doubt than about any theorem in Euclid. Sir, I deny the truth of the proposition; and for this plain reason. We have already, by law, greatly reduced the time of labour in factories. Thirty years ago, the late Sir Robert Peel¹ told the House that it was a common practice to make children of eight years of age toil in mills fifteen hours a day. A law has since been made which prohibits persons under eighteen years of age from working in mills more than twelve hours a day. That law was opposed on exactly the same grounds on which the bill before us is opposed. Parliament was told then, as it is told now, that with the time of labour the

¹ [The first Factory Act was introduced by Peel's father in 1802.]

quantity of production would decrease, that with the quantity of production the wages would decrease, that our manufacturers would be unable to contend with foreign manufacturers, and that the condition of the labouring population instead of being made better by the interference of the Legislature would be made worse. Read over those debates; and you may imagine that you are reading the debate of this evening. Parliament disregarded these prophecies. The time of labour was limited. Have wages fallen? Has the cotton trade left Manchester for France or Germany? Has the condition of the working people become more miserable? Is it not universally acknowledged that the evils which were so confidently predicted have not come to pass? Let me be understood. I am not arguing that, because a law which reduced the hours of daily labour from fifteen to twelve did not reduce wages, a law reducing those hours from twelve to ten or eleven cannot possibly reduce wages. That would be very inconclusive reasoning. What I say is this, that, since a law which reduced the hours of daily labour from fifteen to twelve has not reduced wages, the proposition that every reduction of the hours of labour must necessarily reduce wages is a false proposition. There is evidently some flaw in that demonstration which my honorable friend thinks so complete; and what the flaw is we may perhaps discover if we look at the analogous case to which I have so often referred.

Sir, exactly three hundred years ago, great religious changes were taking place in England. Much was said and written, in that inquiring and innovating age, about the question whether Christians were under a religious obligation to rest from labour on one day in the week; and it is well known that the chief Reformers, both here and on the continent, denied the existence of any such obligation. Suppose then that, in 1546, Parliament had made a law that there should thenceforth be no distinction

between the Sunday and any other day. Now, Sir, our opponents, if they are consistent with themselves, must hold that such a law would have immensely increased the wealth of the country and the remuneration of the working man. What an effect, if their principles be sound, must have been produced by the addition of one sixth to the time of labour! What an increase of production! What a rise of wages! How utterly unable must the foreign artisan, who still had his days of festivity and of repose, have found himself to maintain a competition with a people whose shops were open, whose markets were crowded, whose spades, and axes, and planes, and hods, and anvils, and looms were at work from morning till night on three hundred and sixty-five days a year! The Sundays of three hundred years make up fifty years of our working days. We know what the industry of fifty years can do. We know what marvels the industry of the last fifty years has wrought. The arguments of my honorable friend irresistibly lead us to this conclusion, that if, during the last three centuries, the Sunday had not been observed as a day of rest, we should have been a far richer, a far more highly civilised people than we now are, and that the labouring class especially would have been far better off than at present. But does he, does any Member of the House, seriously believe that this would have been the case? For my own part, I have not the smallest doubt that, if we and our ancestors had, during the last three centuries, worked just as hard on the Sundays as on the week days, we should have been at this moment a poorer people and a less civilised people than we are; that there would have been less production than there has been, that the wages of the labourer would have been lower than they are, and that some other nation would have been now making cotton stuffs and woollen stuffs and cutlery for the whole world.

Of course, Sir, I do not mean to say that a man

will not produce more in a week by working seven days than by working six days. But I very much doubt whether, at the end of a year, he will generally have produced more by working seven days a week than by working six days a week; and I firmly believe that, at the end of twenty years, he will have produced much less by working seven days a week than by working six days a week. In the same manner I do not deny that a factory child will produce more, in a single day, by working twelve hours than by working ten hours, and by working fifteen hours than by working twelve hours. But I do deny that a great society in which children work fifteen, or even twelve hours a day, will, in the lifetime of a generation, produce as much as if those children had worked less. If we consider man merely in a commercial point of view, if we consider him merely as a machine for the production of worsted and calico, let us not forget what a piece of mechanism he is, how fearfully and wonderfully made. We do not treat a fine horse or a sagacious dog exactly as we treat a spinning jenny. Nor will any slaveholder, who has sense enough to know his own interest, treat his human chattels exactly as he treats his horses and his dogs. And would you treat the free labourer of England like a mere wheel or pulley? Rely on it that intense labour, beginning too early in life, continued too long every day, stunting the growth of the body, stunting the growth of the mind, leaving no time for healthful exercise, leaving no time for intellectual culture, must impair all those high qualities which have made our country great. Your overworked boys will become a feeble and ignoble race of men, the parents of a more feeble and more ignoble progeny; nor will it be long before the deterioration of the labourer will injuriously affect those very interests to which his physical and moral energies have been sacrificed. On the other hand, a day of rest recurring in every week,

two or three hours of leisure, exercise, innocent amusement or useful study, recurring every day, must improve the whole man, physically, morally, intellectually; and the improvement of the man will improve all that the man produces. Why is it, Sir, that the Hindoo cotton manufacturer,¹ close to whose door the cotton grows, cannot, in the bazaar of his own town, maintain a competition with the English cotton manufacturer, who has to send thousands of miles for the raw material, and who has then to send the wrought material thousands of miles to market? You will say that it is owing to the excellence of our machinery. And to what is the excellence of our machinery owing? How many of the improvements which have been made in our machinery do we owe to the ingenuity and patient thought of working men? Adam Smith tells us in the first chapter of his great work, that you can hardly go to a factory without seeing some very pretty machine,—that is his expression,—devised by some labouring man. Hargreaves, the inventor of the spinning jenny, was a common artisan. Crompton, the inventor of the mule jenny, was a working man. How many hours of the labour of children would do so much for our manufactures as one of these improvements has done? And in what sort of society are such improvements most likely to be made? Surely in a society in which the faculties of the working people are developed by education. How long will you wait before any negro, working under the lash in Louisiana, will contrive a better machinery for squeezing the sugar canes? My honorable friend seems to me, in all his reasonings about the commercial prosperity of nations, to overlook entirely the chief cause on which that prosperity depends. What is it, Sir, that

¹ [In Chapter III of his History, Macaulay records that in 1680, Mr. Bassett, M.P. for Barnstaple, pointed out that the English workman at a shilling a day could not compete with the Bengalee at a copper piece.]

makes the great difference between country and country? Not the exuberance of soil; not the mildness of climate; not mines, nor havens, nor rivers. These things are indeed valuable when put to their proper use by human intelligence: but human intelligence can do much without them; and they without human intelligence can do nothing. They exist in the highest degree in regions of which the inhabitants are few, and squalid, and barbarous, and naked, and starving; while on sterile rocks, amidst unwholesome marshes, and under inclement skies, may be found immense populations, well fed, well lodged, well clad, well governed. Nature meant Egypt and Sicily to be the gardens of the world. They once were so. Is it anything in the earth or in the air that makes Scotland more prosperous than Egypt, that makes Holland more prosperous than Sicily? No; it was the Scotchman that made Scotland: it was the Dutchman that made Holland. Look at North America. Two centuries ago the sites on which now arise mills, and hotels, and banks, and colleges, and churches, and the Senate Houses of flourishing commonwealths, were deserts abandoned to the panther and the bear. What has made the change? Was it the rich mould, or the redundant rivers? No: the prairies were as fertile, the Ohio and the Hudson were as broad and as full then as now. Was the improvement the effect of some great transfer of capital from the old world to the new? No: the emigrants generally carried out with them no more than a pittance; but they carried out the English heart, and head, and arm; and the English heart and head and arm turned the wilderness into cornfield and orchard, and the huge trees of the primeval forest into cities and fleets. Man, man is the great instrument that produces wealth. The natural difference between Campania and Spitzbergen is trifling when compared with the difference between a country inhabited by men full of bodily and mental vigour, and a country inhabited

by men sunk in bodily and mental decrepitude. Therefore it is that we are not poorer but richer, because we have, through many ages, rested from our labour one day in seven. That day is not lost. While industry is suspended, while the plough lies in the furrow, while the Exchange is silent, while no smoke ascends from the factory, a process is going on quite as important to the wealth of nations as any process which is performed on more busy days. Man, the machine of machines, the machine compared with which all the contrivances of the Watts and the Arkwrights are worthless, is repairing and winding up, so that he returns to his labours on the Monday with clearer intellect, with livelier spirits, with renewed corporal vigour. Never will I believe that what makes a population stronger, and healthier, and wiser, and better, can ultimately make it poorer. You try to frighten us by telling us that, in some German factories, the young work seventeen hours in the twenty-four, that they work so hard that among thousands there is not one who grows to such a stature that he can be admitted into the army; and you ask whether, if we pass this bill, we can possibly hold our own against such competition as this? Sir, I laugh at the thought of such competition. If ever we are forced to yield the foremost place among commercial nations, we shall yield it, not to a race of degenerate dwarfs, but to some people preeminently vigorous in body and in mind.

For these reasons, Sir, I approve of the principle of this bill, and shall, without hesitation, vote for the second reading. To what extent we ought to reduce the hours of labour is a question of more difficulty. I think that we are in the situation of a physician who has satisfied himself that there is a disease, and that there is a specific medicine for the disease, but who is not certain what quantity of that medicine the patient's constitution will bear. Such a physician would probably administer his remedy

by small doses, and carefully watch its operation. I cannot help thinking that, by at once reducing the hours of labour from twelve to ten, we should hazard too much. The change is great, and ought to be cautiously and gradually made. Suppose that there should be an immediate fall of wages, which is not impossible. Might there not be a violent reaction? Might not the public take up a notion that our legislation had been erroneous in principle, though, in truth, our error would have been an error, not of principle, but merely of degree? Might not Parliament be induced to retrace its steps? Might we not find it difficult to maintain even the present limitation? The wisest course would, in my opinion, be to reduce the hours of labour from twelve to eleven, to observe the effect of that experiment, and if, as I hope and believe, the result should be satisfactory, then to make a further reduction from eleven to ten. This is a question, however, which will be with more advantage considered when we are in Committee.

One word, Sir, before I sit down, in answer to my noble friend near me.¹ He seems to think that this bill is ill timed. I own that I cannot agree with him. We carried up on Monday last to the bar of the Lords a bill which will remove the most hateful and pernicious restriction that ever was laid on trade. Nothing can be more proper than to apply, in the same week, a remedy to a great evil of a directly opposite kind. As lawgivers, we have two great faults to confess and to repair. We have done that which we ought not to have done. We have left undone that which we ought to have done. We have regulated that which we should have left to regulate itself. We have left unregulated that which we were bound to regulate. We have given to some branches of industry a protection which has proved their bane. We have withheld from public health and public morals the protection which was their due. We have prevented

¹ Lord Morpeth.

the labourer from buying his loaf where he could get it cheapest; but we have not prevented him from ruining his body and mind by premature and immoderate toil. I hope that we have seen the last both of a vicious system of interference and of a vicious system of non-interference, and that our poorer countrymen will no longer have reason to attribute their sufferings either to our meddling or to our neglect.

A Speech delivered in the House of Commons on the 19th of April, 1847

IN the year 1847 the Government asked from the House of Commons a grant of one hundred thousand pounds for the education of the people. On the nineteenth of April, Lord John Russell, having explained the reasons for this application, moved the order of the day for a Committee of Supply. Mr. Thomas Duncombe, Member for Finsbury, moved the following amendment:

‘That previous to any grant of public money being assented to by this House, for the purpose of carrying out the scheme of national education, as developed in the Minutes of the Committee of Council on Education in August and December last, which minutes have been presented to both Houses of Parliament by command of Her Majesty, a select Committee be appointed to inquire into the justice and expediency of such a scheme, and its probable annual cost; also to inquire whether the regulations attached thereto do not unduly increase the influence of the Crown, invade the constitutional functions of Parliament, and interfere with the religious convictions and civil rights of Her Majesty’s subjects.’

In opposition to this amendment, the following speech was made. After a debate of three nights, Mr. Thomas Duncombe obtained permission to withdraw the latter part of his amendment. The first part was put, and negatived by 372 votes to 47.

You will not wonder, Sir, that I am desirous to catch your eye this evening. The first duty which I performed, as a Member of the Committee of Council¹ which is charged with the superintendence of public instruction, was to give my hearty assent to the plan which the honorable Member for Finsbury calls on the House to condemn. I am one of those who have been accused in every part of the kingdom, and who are now accused in Parliament, of aiming, under specious pretences, a blow at the

¹ [Macaulay was Paymaster-General (a sinecure office) in Lord John Russell’s administration 1846–7; he was then defeated at the General Election and retired from active public life.]

civil and religious liberties of the people. It is natural therefore that I should seize the earliest opportunity of vindicating myself from so grave a charge.

The honorable Member for Finsbury must excuse me if, in the remarks which I have to offer to the House, I should not follow very closely the order of his speech. The truth is that a mere answer to his speech would be no defence of myself or of my colleagues. I am surprised, I own, that a man of his acuteness and ability should, on such an occasion, have made such a speech. The country is excited from one end to the other by a great question of principle. On that question the Government has taken one side. The honorable Member stands forth as the chosen and trusted champion of a great party which takes the other side. We expected to hear from him a full exposition of the views of those in whose name he speaks. But, to our astonishment, he has scarcely even alluded to the controversy which has divided the whole nation. He has entertained us with sarcasms and personal anecdotes: he has talked much about matters of mere detail: but I must say that, after listening with close attention to all that he has said, I am quite unable to discover whether, on the only important point which is in issue, he agrees with us or with that large and active body of Nonconformists which is diametrically opposed to us. He has sate down without dropping one word from which it is possible to discover whether he thinks that education is or that it is not a matter with which the State ought to interfere. Yet that is the question about which the whole nation has, during several weeks, been writing, reading, speaking, hearing, thinking, petitioning, and on which it is now the duty of Parliament to pronounce a decision. That question once settled, there will be, I believe, very little room for dispute. If it be not competent to the State to interfere with the

education of the people, the mode of interference recommended by the Committee of Council must of course be condemned. If it be the right and the duty of the State to make provision for the education of the people, the objections made to our plan will, in a very few words, be shown to be frivolous.

I shall take a course very different from that which has been taken by the honorable gentleman. I shall in the clearest manner profess my opinion on that great question of principle which he has studiously evaded; and for my opinion I shall give what seem to me to be unanswerable reasons.

I believe, Sir, that it is the right and the duty of the State to provide means of education for the common people. This proposition seems to me to be implied in every definition that has ever yet been given of the functions of a government. About the extent of those functions there has been much difference of opinion among ingenious men. There are some who hold that it is the business of a government to meddle with every part of the system of human life, to regulate trade by bounties and prohibitions, to regulate expenditure by sumptuary laws, to regulate literature by a censorship, to regulate religion by an inquisition. Others go to the opposite extreme, and assign to Government a very narrow sphere of action. But the very narrowest sphere that ever was assigned to governments by any school of political philosophy is quite wide enough for my purpose. On one point all the disputants are agreed. They unanimously acknowledge that it is the duty of every government to take order for giving security to the persons and property of the members of the community.

This being admitted, can it be denied that the education of the common people is a most effectual means of securing our persons and our property? Let Adam Smith answer that question for me. His authority, always high, is, on this subject, entitled

to peculiar respect, because he extremely disliked busy, prying, interfering governments. He was for leaving literature, arts, sciences, to take care of themselves. He was not friendly to ecclesiastical establishments. He was of opinion, that the State ought not to meddle with the education of the rich. But he has expressly told us that a distinction is to be made, particularly in a commercial and highly civilised society, between the education of the rich and the education of the poor. The education of the poor, he says, is a matter which deeply concerns the commonwealth. Just as the magistrate ought to interfere for the purpose of preventing the leprosy from spreading among the people, he ought to interfere for the purpose of stopping the progress of the normal distempers which are inseparable from ignorance. Nor can this duty be neglected without danger to the public peace. If you leave the multitude uninstructed, there is serious risk that religious animosities may produce the most dreadful disorders. The most dreadful disorders! Those are Adam Smith's own words; and prophetic words they were. Scarcely had he given this warning to our rulers when his prediction was fulfilled in a manner never to be forgotten. I speak of the No Popery riots of 1780. I do not know that I could find in all history a stronger proof of the proposition, that the ignorance of the common people makes the property, the limbs, the lives of all classes insecure. Without the shadow of a grievance, at the summons of a madman, a hundred thousand people rise in insurrection. During a whole week, there is anarchy in the greatest and wealthiest of European cities. The parliament is besieged. Your predecessor sits trembling in his chair, and expects every moment to see the door beaten in by the ruffians whose roar he hears all round the house. The peers are pulled out of their coaches. The bishops in their lawn are forced to fly over the tiles. The chapels of foreign ambassadors,

buildings made sacred by the law of nations, are destroyed. The house of the Chief Justice is demolished. The little children of the Prime Minister are taken out of their beds and laid in their night clothes on the table of the Horse Guards, the only safe asylum from the fury of the rabble. The prisons are opened. Highwaymen, housebreakers, murderers, come forth to swell the mob by which they have been set free. Thirty-six fires are blazing at once in London. Then comes the retribution. Count up all the wretches who were shot, who were hanged, who were crushed, who drank themselves to death at the rivers of gin which ran down Holborn Hill; and you will find that battles have been lost and won with a smaller sacrifice of life. And what was the cause of this calamity, a calamity, which, in the history of London, ranks with the great plague and the great fire? The cause was the ignorance of a population which had been suffered, in the neighbourhood of palaces, theatres, temples, to grow up as rude and stupid as any tribe of tattooed cannibals in New Zealand, I might say as any drove of beasts in Smithfield Market.

The instance is striking: but it is not solitary. To the same cause are to be ascribed the riots of Nottingham, the sack of Bristol, all the outrages of Ludd, and Swing, and Rebecca, beautiful and costly machinery broken to pieces in Yorkshire, barns and haystacks blazing in Kent, fences and buildings pulled down in Wales. Could such things have been done in a country in which the mind of the labourer had been opened by education, in which he had been taught to find pleasure in the exercise of his intellect, taught to revere his Maker, taught to respect legitimate authority, and taught at the same time to seek the redress of real wrongs by peaceful and constitutional means?

This then is my argument. It is the duty of Government to protect our persons and property

from danger. The gross ignorance of the common people is a principal cause of danger to our persons and property. Therefore, it is the duty of the Government to take care that the common people shall not be grossly ignorant.

And what is the alternative? It is universally allowed that, by some means, Government must protect our persons and property. If you take away education, what means do you leave? You leave means such as only necessity can justify, means which inflict a fearful amount of pain, not only on the guilty, but on the innocent who are connected with the guilty. You leave guns and bayonets, stocks and whipping-posts, treadmills, solitary cells, penal colonies, gibbets. See then how the case stands. Here is an end which, as we all agree, governments are bound to attain. There are only two ways of attaining it. One of those ways is by making men better, and wiser, and happier. The other way is by making them infamous and miserable. Can it be doubted which way we ought to prefer? Is it not strange, is it not almost incredible, that pious and benevolent men should gravely propound the doctrine that the magistrate is bound to punish and at the same time bound not to teach? To me it seems quite clear that whoever has a right to hang has a right to educate. Can we think without shame and remorse that more than half of those wretches who have been tied up at Newgate in our time might have been living happily, that more than half of those who are now in our gaols might have been enjoying liberty and using that liberty well, that such a hell on earth as Norfolk Island need never have existed, if we had expended in training honest men but a small part of what we have expended in hunting and torturing rogues.

I would earnestly entreat every gentleman to look at a report which is contained in the Appendix to the First Volume of the Minutes of the Committee of

Council. I speak of the report made by Mr. Seymour Tremenhoe on the state of that part of Monmouthshire which is inhabited by a population chiefly employed in mining. He found that, in this district, towards the close of 1839, out of eleven thousand children who were of an age to attend school, eight thousand never went to any school at all, and that most of the remaining three thousand might almost as well have gone to no school as to the squalid hovels in which men who ought themselves to have been learners pretended to teach. In general these men had only one qualification for their employment; and that was their utter unfitness for every other employment. They were disabled miners, or broken hucksters. In their schools all was stench, and noise, and confusion. Now and then the clamour of the boys was silenced for two minutes by the furious menaces of the master; but it soon broke out again. The instruction given was of the lowest kind. Not one school in ten was provided with a single map. This is the way in which you suffered the minds of a great population to be formed. And now for the effects of your negligence. The barbarian inhabitants of this region rise in an insane rebellion against the Government. They come pouring down their valleys to Newport. They fire on the Queen's troops.¹ They wound a magistrate. The soldiers fire in return; and too many of these wretched men pay with their lives the penalty of their crime. But is the crime theirs alone? Is it strange that they should listen to the only teaching that they had? How can you, who took no pains to instruct them, blame them for giving ear to the demagogue who took pains to delude them? We put them down, of course. We punished them. We had no choice. Order must be maintained; property must be protected; and, since we had omitted to take the best way of keeping these people quiet, we were under

¹ [November 4th, 1839.]

the necessity of keeping them quiet by the dread of the sword and the halter. But could any necessity be more cruel? And which of us would run the risk of being placed under such necessity a second time?

I say, therefore, that the education of the people is not only a means, but the best means, of attaining that which all allow to be a chief end of government; and, if this be so, it passes my faculties to understand how any man can gravely contend that Government has nothing to do with the education of the people.

My confidence in my opinion is strengthened when I recollect that I hold that opinion in common with all the greatest lawgivers, statesmen, and political philosophers of all nations and ages, with all the most illustrious champions of civil and spiritual freedom, and especially with those men whose names were once held in the highest veneration by the Protestant Dissenters of England. I might cite many of the most venerable names of the old world; but I would rather cite the example of that country which the supporters of the Voluntary system here are always recommending to us as a pattern. Go back to the days when the little society which has expanded into the opulent and enlightened commonwealth of Massachusetts began to exist. Our modern Dissenters will scarcely, I think, venture to speak contumeliously of those Puritans whose spirit Laud and his High Commission Court could not subdue, of those Puritans who were willing to leave home and kindred, and all the comforts and refinements of civilised life, to cross the ocean, to fix their abode in forests among wild beasts and wild men, rather than commit the sin of performing, in the House of God, one gesture which they believed to be displeasing to Him. Did those brave exiles think it inconsistent with civil or religious freedom that the State should take charge of the education of the people? No, Sir;

one of the earliest laws enacted by the Puritan colonists was that every township, as soon as the Lord had increased it to the number of fifty houses, should appoint one to teach all children to write and read, and that every township of a hundred houses should set up a grammar school. Nor have the descendants of those who made this law ever ceased to hold that the public authorities were bound to provide the means of public instruction. Nor is this doctrine confined to New England. 'Educate the people' was the first admonition addressed by Penn to the colony which he founded. 'Educate the people' was the legacy of Washington to the nation which he had saved. 'Educate the people' was the unceasing exhortation of Jefferson; and I quote Jefferson with peculiar pleasure, because, of all the eminent men that have ever lived, Adam Smith himself not excepted, Jefferson was the one who most abhorred everything like meddling on the part of governments. Yet the chief business of his later years was to establish a good system of State education in Virginia.

And, against such authority as this, what have you who take the other side to show? Can you mention a single great philosopher, a single man distinguished by his zeal for liberty, humanity, and truth, who, from the beginning of the world down to the time of this present Parliament, ever held your doctrines? You can oppose to the unanimous voice of all the wise and good, of all ages, and of both hemispheres, nothing but a clamour which was first heard a few months ago, a clamour in which you cannot join without condemning, not only all whose memory you profess to hold in reverence, but even your former selves.

This new theory of politics has at least the merit of originality. It may be fairly stated thus. All men have hitherto been utterly in the wrong as to the nature and objects of civil government. The great

truth, hidden from every preceding generation, and at length revealed, in the year 1846, to some highly respectable ministers and elders of dissenting congregations, is this. Government is simply a great hangman. Government ought to do nothing except by harsh and degrading means. The one business of Government is to handcuff, and lock up, and scourge, and shoot, and stab, and strangle. It is odious tyranny in a government to attempt to prevent crime by informing the understanding and elevating the moral feeling of a people. A statesman may see hamlets turned, in the course of one generation, into great seaport towns and manufacturing towns. He may know that on the character of the vast population which is collected in those wonderful towns, depends the prosperity, the peace, the very existence of society. But he must not think of forming that character. He is an enemy of public liberty if he attempts to prevent those hundreds of thousands of his countrymen from becoming mere Yahoos. He may, indeed, build barrack after barrack to overawe them. If they break out into insurrection, he may send cavalry to sabre them: he may mow them down with grape shot: he may hang them, draw them, quarter them, anything but teach them. He may see, and may shudder as he sees, throughout large rural districts, millions of infants growing up from infancy to manhood as ignorant, as mere slaves of sensual appetite, as the beasts that perish. No matter. He is a traitor to the cause of civil and religious freedom if he does not look on with folded arms, while absurd hopes and evil passions ripen in that rank soil. He must wait for the day of his harvest. He must wait till the Jaquerie comes, till farm houses are burning, till threshing machines are broken in pieces; and then begins his business, which is simply to send one poor ignorant savage to the county gaol, and another to the antipodes, and a third to the gallows.

Such, Sir, is the new theory of government which was first profounded, in the year 1846, by some men of high note among the Nonconformists of England. It is difficult to understand how men of excellent abilities and excellent intentions,—and there are, I readily admit, such men among those who hold this theory,—can have fallen into so absurd and pernicious an error. One explanation only occurs to me. This is, I am inclined to believe, an instance of the operation of the great law of reaction. We have just come victorious out of a long and fierce contest for the liberty of trade. While that contest was undecided, much was said and written about the advantages of free competition, and about the danger of suffering the State to regulate matters which should be left to individuals. There has consequently arisen in the minds of persons who are led by words, and who are little in the habit of making distinctions, a disposition to apply to political questions and moral questions principles which are sound only when applied to commercial questions. These people, not content with having forced the Government to surrender a province wrongfully usurped, now wish to wrest from the Government a domain held by a right which was never before questioned, and which cannot be questioned with the smallest show of reason. ‘If,’ they say, ‘free competition is a good thing in trade, it must surely be a good thing in education. The supply of other commodities, of sugar, for example, is left to adjust itself to the demand; and the consequence is, that we are better supplied with sugar than if the Government undertook to supply us. Why then should we doubt that the supply of instruction will, without the intervention of the Government, be found equal to the demand?’

Never was there a more false analogy. Whether a man is well supplied with sugar is a matter which concerns himself alone. But whether he is well supplied with instruction is a matter which concerns

his neighbours and the State. If he cannot afford to pay for sugar, he must go without sugar. But it is by no means fit that, because he cannot afford to pay for education, he should go without education. Between the rich and their instructors there may, as Adam Smith says, be free trade. The supply of music masters and Italian masters may be left to adjust itself to the demand. But what is to become of the millions who are too poor to procure without assistance the services of a decent schoolmaster? We have indeed heard it said that even these millions will be supplied with teachers by the free competition of benevolent individuals who will vie with each other in rendering this service to mankind. No doubt there are many benevolent individuals who spend their time and money most laudably in setting up and supporting schools; and you may say, if you please, that there is, among these respectable persons, a competition to do good. But do not be imposed upon by words. Do not believe that this competition resembles the competition which is produced by the desire of wealth and by the fear of ruin. There is a great difference, be assured, between the rivalry of philanthropists and the rivalry of grocers. The grocer knows that, if his wares are worse than those of other grocers, he shall soon go before the Bankrupt Court, and his wife and children will have no refuge but the workhouse: he knows that, if his shop obtains an honorable celebrity, he shall be able to set up a carriage and buy a villa: and this knowledge impels him to exertions compared with which the exertions of even very charitable people to serve the poor are but languid. It would be strange infatuation indeed to legislate on the supposition that a man cares for his fellow creatures as much as he cares for himself.

Unless, Sir, I greatly deceive myself, those arguments, which show that the Government ought not to leave to private people the task of providing for

the national defence, will equally show that the Government ought not to leave to private people the task of providing for national education. On this subject, Mr. Hume has laid down the general law with admirable good sense and perspicuity. I mean David Hume, not the Member for Montrose, though that honorable gentleman will, I am confident, assent to the doctrine propounded by his illustrious namesake. David Hume, Sir, justly says that most of the arts and trades which exist in the world produce so much advantage and pleasure to individuals, that the magistrate may safely leave it to individuals to encourage those arts and trades. But he adds that there are callings which, though they are highly useful, nay, absolutely necessary to society, yet do not administer to the peculiar pleasure or profit of any individual. The military calling is an instance. Here, says Hume, the government must interfere. It must take on itself to regulate these callings, and to stimulate the industry of the persons who follow these callings by pecuniary and honorary rewards.

Now, Sir, it seems to me that, on the same principle on which Government ought to superintend and to reward the soldier, Government ought to superintend and to reward the schoolmaster. I mean, of course, the schoolmaster of the common people. That his calling is useful, that his calling is necessary, will hardly be denied. Yet it is clear that his services will not be adequately remunerated if he is left to be remunerated by those whom he teaches, or by the voluntary contributions of the charitable. Is this disputed? Look at the facts. You tell us that schools will multiply and flourish exceedingly, if the Government will only abstain from interfering with them. Has not the Government long abstained from interfering with them? Has not everything been left, through many years, to individual exertion? If it were true that education, like trade, thrives most where the magistrate meddles least, the common people of

England would now be the best educated in the world. Our schools would be model schools. Every one would have a well chosen little library, excellent maps, a small but neat apparatus for experiments in natural philosophy. A grown person unable to read and write would be pointed at like Giant O'Brien¹ or the Polish Count. Our schoolmasters would be as eminently expert in all that relates to teaching as our cutlers, our cottonspinners, our engineers are allowed to be in their respective callings. They would, as a class, be held in high consideration; and their gains would be such that it would be easy to find men of respectable character and attainments to fill up vacancies.

Now, is this the case? Look at the charges of the judges, at the resolutions of the grand juries, at the reports of public officers, at the reports of voluntary associations. All tell the same sad and ignominious story. Take the reports of the Inspectors of Prisons. In the House of Correction at Hertford, of seven hundred prisoners one half could not read at all; only eight could read and write well. Of eight thousand prisoners who had passed through Maidstone gaol only fifty could read and write well. In Coldbath Fields Prison, the proportion that could read and write well seems to have been still smaller. Turn from the registers of prisoners to the registers of marriages. You will find that about a hundred and thirty thousand couples were married in the year 1844. More than forty thousand of the bridegrooms and more than sixty thousand of the brides did not sign their names, but made their marks. Nearly one third of the men and nearly one half of the women, who are in the prime of life, who are to be the parents of the Englishmen of the next generation, who are to bear a chief part in forming the minds of

¹ [Patrick Cotter, *c.* 1761-1806, was 7 foot 10 inches high; Joseph Boruwlaski, 39 inches high, came to England in 1781 and died in 1837.]

the Englishmen of the next generation, cannot write their own names. Remember, too, that, though people who cannot write their own names must be grossly ignorant, people may write their own names and yet have very little knowledge. Tens of thousands who were able to write their names had in all probability received only the wretched education of a common day school. We know what such a school too often is; a room crusted with filth, without light, without air, with a heap of fuel in one corner and a brood of chickens in another; the only machinery of instruction a dogeared spellingbook and a broken slate; the masters the refuse of all other callings, discarded footmen, ruined pedlars, men who cannot work a sum in the rule of three, men who cannot write a common letter without blunders, men who do not know whether the earth is a sphere or a cube, men who do not know whether Jerusalem is in Asia or America. And to such men, men to whom none of us would entrust the key of his cellar, we have entrusted the mind of the rising generation, and, with the mind of the rising generation, the freedom, the happiness, the glory of our country.

Do you question the accuracy of this description? I will produce evidence to which I am sure that you will not venture to take an exception. Every gentleman here knows, I suppose, how important a place the Congregational Union holds among the Nonconformists, and how prominent a part Mr. Edward Baines has taken in opposition to State education. A Committee of the Congregational Union drew up last year a report on the subject of education. That report was received by the Union; and the person who moved that it should be received was Mr. Edward Baines.¹ That report contains the following

¹ [1800-90: M.P. for Leeds 1859-74; was a consistent advocate first of voluntary and then of undenominational education, and had a considerable share in bringing about the Education Act 1870.]

passage: 'If it were necessary to disclose facts to such an assembly as this, as to the ignorance and debasement of the neglected portions of our population in towns and rural districts, both adult and juvenile, it could easily be done. Private information communicated to the Board, personal observation and investigation of the various localities, with the published documents of the Registrar General, and the reports of the state of prisons in England and Wales, published by order of the House of Commons, would furnish enough to make us modest in speaking of what has been done for the humbler classes, and make us ashamed that the sons of the soil of England should have been so long neglected, and should present to the enlightened traveller from other shores such a sad spectacle of neglected cultivation, lost mental power, and spiritual degradation.' Nothing can be more just. All the information which I have been able to obtain bears out the statements of the Congregational Union. I do believe that the ignorance and degradation of a large part of the community to which we belong ought to make us ashamed of ourselves. I do believe that an enlightened traveller from New York, from Geneva, or from Berlin, would be shocked to see so much barbarism in the close neighbourhood of so much wealth and civilisation. But is it not strange that the very gentlemen who tell us in such emphatic language that the people are shamefully ill educated, should yet persist in telling us that under a system of free competition the people are certain to be excellently educated? Only this morning the opponents of our plan circulated a paper in which they confidently predict that free competition will do all that is necessary, if we will only wait with patience. Wait with patience! Why, we have been waiting ever since the Heptarchy. How much longer are we to wait? Till the year 2847? Or till the year 3847? That the experiment has as yet failed you do not

deny. And why should it have failed? Has it been tried in unfavourable circumstances. Not so; it has been tried in the richest, and in the freest, and in the most charitable country in all Europe. Has it been tried on too small a scale? Not so: millions have been subjected to it. Has it been tried during too short a time? Not so: it has been going on during ages. The cause of the failure then is plain. Our whole system has been unsound. We have applied the principle of free competition to a case to which that principle is not applicable.

But, Sir, if the state of the southern part of our island has furnished me with one strong argument, the state of the northern part furnishes me with another argument, which is, if possible, still more decisive. A hundred and fifty years ago England was one of the best governed and most prosperous countries in the world: Scotland was perhaps the rudest and poorest country that could lay any claim to civilisation. The name of Scotchman was then uttered in this part of the island with contempt. The ablest Scotch statesmen contemplated the degraded state of their poorer countrymen with a feeling approaching to despair. It is well known that Fletcher of Saltoun, a brave and accomplished man, a man who had drawn his sword for liberty, who had suffered proscription and exile for liberty, was so much disgusted and dismayed by the misery, the ignorance, the idleness, the lawlessness of the common people, that he proposed to make many thousands of them slaves. Nothing, he thought, but the discipline which kept order and enforced exertion among the negroes of a sugar colony, nothing but the lash and the stocks, could reclaim the vagabonds who infested every part of Scotland from their indolent and predatory habits, and compel them to support themselves by steady labour. He therefore, soon after the Revolution, published a pamphlet, in which he earnestly, and, as I believe, from the mere impulse

of humanity and patriotism, recommended to the Estates of the Realm this sharp remedy, which⁹ alone, as he conceived, could remove the evil. Within a few months after the publication of that pamphlet a very different remedy was applied. The Parliament which sate at Edinburgh passed an act for the establishment of parochial schools. What followed? An improvement such as the world had never seen took place in the moral and intellectual character of the people. Soon, in spite of the rigour of the climate, in spite of the sterility of the earth, Scotland became a country which had no reason to envy the fairest portions of the globe. Wherever the Scotchman went,—and there were few parts of the world to which he did not go,—he carried his superiority with him. If he was admitted into a public office, he worked his way up to the highest post. If he got employment in a brewery or a factory, he was soon the foreman. If he took a shop, his trade was the best in the street. If he enlisted in the army, he became a colour-serjeant. If he went to a colony, he was the most thriving planter there. The Scotchman of the seventeenth century had been spoken of in London as we speak of the Esquimaux. The Scotchman of the eighteenth century was an object, not of scorn, but of envy. The cry was that, wherever he came, he got more than his share; that, mixed with Englishmen or mixed with Irishmen, he rose to the top as surely as oil rises to the top of water. And what had produced this great revolution? The Scotch air was still as cold, the Scotch rocks were still as bare as ever. All the natural qualities of the Scotchman were still what they had been when learned and benevolent men advised that he should be flogged, like a beast of burden, to his daily task. But the State had given him an education. That education was not, it is true, in all respects what it should have been. But, such as it was, it had done more for the bleak and dreary shores of the Forth and the Clyde

than the richest of soils and the most genial of climates had done for Capua and Tarentum. Is there one member of this House, however strongly he may hold the doctrine that the Government ought not to interfere with the education of the people, who will stand up and say that, in his opinion, the Scotch would now have been a happier and a more enlightened people if they had been left, during the last five generations, to find instruction for themselves?

I say then, Sir, that, if the science of Government be an experimental science, this question is decided. We are in a condition to perform the inductive process according to the rules laid down in the *Novum Organum*. We have two nations closely connected, inhabiting the same island, sprung from the same blood, speaking the same language, governed by the same Sovereign and the same Legislature, holding essentially the same religious faith, having the same allies and the same enemies. Of these two nations one was, a hundred and fifty years ago, as respects opulence and civilisation, in the highest rank among European communities, the other in the lowest rank. The opulent and highly civilised nation leaves the education of the people to free competition. In the poor and half barbarous nation the education of the people is undertaken by the State. The result is that the first are last and the last first. The common people of Scotland,—it is vain to disguise the truth,—have passed the common people of England. Free competition, tried with every advantage, has produced effects of which, as the Congregational Union tells us, we ought to be ashamed, and which must lower us in the opinion of every intelligent foreigner. State education, tried under every disadvantage, has produced an improvement to which it would be difficult to find a parallel in any age or country. Such an experiment as this would be regarded as conclusive in surgery or chemistry, and ought, I think, to be regarded as equally conclusive in politics.

These, Sir, are the reasons which have satisfied me that it is the duty of the State to educate the people. Being firmly convinced of that truth, I shall not shrink from proclaiming it here and elsewhere, in defiance of the loudest clamour that agitators can raise. The remainder of my task is easy. For, if the great principle for which I have been contending is admitted, the objections which have been made to the details of our plan will vanish fast. I will deal with those objections in the order in which they stand in the amendment moved by the honorable member for Finsbury.

First among his objections he places the cost. Surely, Sir, no person who admits that it is our duty to train the minds of the rising generation can think a hundred thousand pounds too large a sum for that purpose. If we look at the matter in the lowest point of view, if we consider human beings merely as producers of wealth, the difference between an intelligent and a stupid population, estimated in pounds, shillings, and pence, exceeds a hundredfold the proposed outlay. Nor is this all. For every pound that you save in education, you will spend five in prosecutions, in prisons, in penal settlements. I cannot believe that the House, having never grudged anything that was asked for the purpose of maintaining order and protecting property by means of pain and fear, will begin to be niggardly as soon as it is proposed to effect the same objects by making the people wiser and better.

The next objection made by the honorable member to our plan is that it will increase the influence of the Crown. This sum of a hundred thousand pounds may, he apprehends, be employed in corruption and jobbing. Those schoolmasters who vote for ministerial candidates will obtain a share of the grant: those schoolmasters who vote for opponents of the ministry will apply for assistance in vain. Sir, the honorable member never would have made this

objection if he had taken the trouble to understand the minutes which he has condemned. We propose to place this part of the public expenditure under checks which must make such abuses as the honorable Member anticipates morally impossible. Not only will there be those ordinary checks which are thought sufficient to prevent the misapplication of the many millions annually granted for the army, the navy, the ordnance, the civil government: not only must the Ministers of the Crown come every year to this House for a vote, and be prepared to render an account of the manner in which they have laid out what had been voted in the preceding year; but, when they have satisfied the House, when they have got their vote, they will still be unable to distribute the money at their discretion. Whatever they may do for any schoolmaster must be done in concert with those persons who, in the district where the schoolmaster lives, take an interest in education, and contribute out of their private means to the expense of education. When the honorable gentleman is afraid that we shall corrupt the schoolmasters, he forgets, first, that we do not appoint the schoolmasters; secondly, that we cannot dismiss the schoolmasters; thirdly, that managers who are altogether independent of us can, without our consent, dismiss the schoolmasters; and, fourthly that without the recommendation of those managers we can give nothing to the schoolmasters. Observe, too, that such a recommendation will not be one of those recommendations which goodnatured easy people are too apt to give to everybody who asks; nor will it at all resemble those recommendations which the Secretary of the Treasury is in the habit of receiving. For every pound which we pay on the recommendation of the managers, the managers themselves must pay two pounds. They must also provide the schoolmaster with a house out of their own funds before they can obtain for him a grant from the public funds. What chance of jobbing

is there here? It is common enough, no doubt, for a Member of Parliament who votes with Government to ask that one of those who zealously supported him at the last election may have a place in the Excise or the Customs. But such a member would soon cease to solicit if the answer were, 'Your friend shall have a place of fifty pounds a years, if you will give him a house and settle on him an income of a hundred a year.' What chance then, I again ask, is there of jobbing? What, say some of the dissenters of Leeds, is to prevent a Tory Government, a High Church Government, from using this parliamentary grant to corrupt the schoolmasters of our borough, and to induce them to use all their influence in favour of a Tory and High Church candidate? Why, Sir, the dissenters of Leeds themselves have the power to prevent it. Let them subscribe to the schools: let them take a share in the management of the schools: let them refuse to recommend to the Committee of Council any schoolmaster whom they suspect of having voted at any election from corrupt motives: and the thing is done. Our plan, in truth, is made up of checks. My only doubt is whether the checks may not be found too numerous and too stringent. On our general conduct there is the ordinary check, the parliamentary check. And, as respects those minute details which it is impossible that this House can investigate, we shall be checked, in every town and in every rural district, by boards consisting of independent men zealous in the cause of education.

The truth is, Sir, that those who clamour most loudly against our plan, have never thought of ascertaining what it is. I see that a gentleman, who ought to have known better, has not been ashamed publicly to tell the world that our plan will cost the nation two millions a year, and will paralyse all the exertions of individuals to educate the people. These two assertions are uttered in one breath. And yet, if he who made them had read our minutes before he

railed at them, he would have seen that his predictions are contradictory; that they cannot both be fulfilled; that, if individuals do not exert themselves, the country will have to pay nothing; and that, if the country has to pay two millions, it will be because individuals have exerted themselves with such wonderful, such incredible, vigour, as to raise four millions by voluntary contributions.

The next objection made by the honorable Member for Finsbury is that we have acted unconstitutionally, and have incroached on the functions of Parliament. The Committee of Council he seems to consider as an unlawful assembly. He calls it sometimes a self elected body and sometimes a self appointed body. Sir, these are words without meaning. The Committee is no more a self elected body than the Board of Trade. It is a body appointed by the Queen; and in appointing it Her Majesty has exercised, under the advice of her responsible Ministers, a prerogative as old as the monarchy. But, says the honorable member, the constitutional course would have been to apply for an Act of Parliament. On what ground? Nothing but an Act of Parliament can legalise that which is illegal. But whoever heard of an Act of Parliament to legalise what was already beyond all dispute legal? Of course, if we wished to send aliens out of the country, or to detain disaffected persons in custody without bringing them to trial, we must obtain an Act of Parliament empowering us to do so. But why should we ask for an Act of Parliament to empower us to do what anybody may do, what the honorable Member for Finsbury may do? Is there any doubt that he or anybody else may subscribe to a school, give a stipend to a monitor, or settle a retiring pension on a preceptor who has done good service? What any of the Queen's subjects may do the Queen may do. Suppose that her privy purse were so large that she could afford to employ a hundred thousand pounds in this beneficent manner;

would an Act of Parliament be necessary to enable her to do so? Every part of our plan may lawfully be carried into execution by any person, Sovereign or subject, who has the inclination and the money. We have not the money; and for the money we come, in a strictly constitutional manner, to the House of Commons. The course which we have taken is in conformity with all precedent, as well as with all principle. There are military schools. No Act of Parliament was necessary to authorise the establishing of such schools. All that was necessary was a grant of money to defray the charge. When I was Secretary at War it was my duty to bring under Her Majesty's notice the situation of the female children of her soldiers. Many such children accompanied every regiment, and their education was grievously neglected. Her Majesty was graciously pleased to sign a warrant by which a girls' school was attached to each corps. No Act of Parliament was necessary. For to set up a school where girls might be taught to read, and write, and sew, and cook, was perfectly legal already. I might have set it up myself, if I had been rich enough. All that I had to ask from Parliament was the money. But I ought to beg pardon for arguing a point so clear.

The next objection to our plans is that they interfere with the religious convictions of Her Majesty's subjects. It has been sometimes insinuated, but it has never been proved, that the Committee of Council has shown undue favour to the Established Church. Sir, I have carefully read and considered the minutes; and I wish that every man who has exerted his eloquence against them had done the same. I say that I have carefully read and considered them, and that they seem to me to have been drawn up with exemplary impartiality. The benefits which we offer we offer to people of all religious persuasions alike. The dissenting managers of schools will have equal authority with the managers who belong to the •

Church. A boy who goes to meeting will be just as eligible to be a monitor, and will receive just as large a stipend, as if he went to the cathedral. The schoolmaster who is a nonconformist and the schoolmaster who is a conformist will enjoy the same emoluments, and will, after the same term of service, obtain, on the same conditions, the same retiring pension. I wish that some gentleman would, instead of using vague phrases about religious liberty and the rights of conscience, answer this plain question. Suppose that in one of our large towns there are four schools, a school connected with the Church, a school connected with the Independents, a Baptist school, and a Wesleyan school; what encouragement, pecuniary or honorary, will, by our plan, be given to the school connected with the Church, and withheld from any of the other three schools? Is it not indeed plain that, if by neglect or maladministration the Church school should get into a bad state, while the dissenting schools flourish, the dissenting schools will receive public money and the Church school will receive none?

It is true, I admit, that, in rural districts which are too poor to support more than one school, the religious community to which the majority belongs will have an advantage over other religious communities. But this is not our fault. If we are as impartial as it is possible to be, you surely do not expect more. If there should be a parish containing nine hundred churchmen and a hundred dissenters, if there should, in that parish, be a school connected with the Church, if the dissenters in that parish should be too poor to set up another school, undoubtedly the school connected with the Church will, in that parish, get all that we give; and the dissenters will get nothing. But observe that there is no partiality to the Church, as the Church, in this arrangement. The churchmen get public money, not because they are churchmen, but because they are the majority. The dissenters

get nothing, not because they are dissenters, but because they are a small minority. There are districts where the case will be reversed, where there will be dissenting schools, and no Church schools. In such cases the dissenters will get what we have to give, and the churchmen will get nothing.

But, Sir, I ought not to say that a churchman gets nothing by a system which gives a good education to dissenters, or that a dissenter gets nothing by a system which gives a good education to churchmen. We are not, I hope, so much conformists, or so much non-conformists, as to forget that we are Englishmen and Christians. We all, Churchmen, Presbyterians, Independents, Baptists, Methodists, have an interest in this, that the great body of the people should be rescued from ignorance and barbarism. I mentioned Lord George Gordon's mob. That mob began, it is true, with the Roman Catholics: but, long before the tumults were over, there was not a respectable Protestant in London who was not in fear for his house, for his limbs, for his life, for the lives of those who were dearest to him. The honorable Member for Finsbury says that we call on men to pay for an education from which they derive no benefit. I deny that there is one honest and industrious man in the country who derives no benefit from living among honest and industrious neighbours rather than among rioters and vagabonds. This matter is as much a matter of common concern as the defence of our coast. Suppose that I were to say, 'Why do you tax me to fortify Portsmouth? If the people of Portsmouth think that they cannot be safe without bastions and ravelins, let the people of Portsmouth pay the engineers and masons. Why am I to bear the charge of works from which I derive no advantage?' You would answer, and most justly, that there is no man in the island who does not derive advantage from these works, whether he resides within them or not. And, as every man, in whatever part of the island he

may live, is bound to contribute to the support of those arsenals which are necessary for our common security, so is every man, to whatever sect he may belong, bound to contribute to the support of those schools on which, not less than on our arsenals, our common security depends.

I now come to the last words of the amendment. The honorable Member for Finsbury is apprehensive that our plan may interfere with the civil rights of Her Majesty's subjects. How a man's civil rights can be prejudiced by his learning to read and write, to multiply and divide, or even by his obtaining some knowledge of history and geography, I do not very well apprehend. One thing is clear, that persons sunk in that ignorance in which, as we are assured by the Congregational Union, great numbers of our countrymen are sunk, can be free only in name. It is hardly necessary for us to appoint a Select Committee for the purpose of inquiring whether knowledge be the ally or the enemy of liberty. He is, I must say, but a short-sighted friend of the common people who is eager to bestow on them a franchise which would make them all-powerful, and yet would withhold from them that instruction without which their power must be a curse to themselves and to the State.

This, Sir, is my defence. From the clamour of our accusers I appeal with confidence to the country to which we must, in no long time, render an account of our stewardship. I appeal with still more confidence to future generations, which, while enjoying all the blessings of an impartial and efficient system of public instruction, will find it difficult to believe that the authors of that system should have had to struggle with a vehement and pertinacious opposition, and still more difficult to believe that such an opposition was offered in the name of civil and religious freedom.

A Speech delivered in the House of Commons on the 1st of June, 1853

ON the first of June, 1853, Lord Hotham, Member for Kent, moved the third reading of a bill of which the chief object was to make the Master of the Rolls incapable of sitting in the House of Commons. Mr. Henry Drummond, Member for Surrey, moved that the bill should be read a third time that day six months. In support of Mr. Drummond's amendment the following Speech was made.

The amendment was carried by 224 votes to 123.

I CANNOT, Sir, suffer the House to proceed to a division without expressing the very strong opinion which I have formed on this subject. I shall give my vote, with all my heart and soul, for the amendment moved by my honorable friend the Member for Surrey. I never gave a vote in my life with a more entire confidence that I was in the right; and I cannot but think it discreditable to us that a bill for which there is so little to be said, and against which there is so much to be said, should have been permitted to pass through so many stages without a division.

On what grounds, Sir, does the noble lord, the Member for Kent, ask us to make this change in the law? The only ground, surely, on which a Conservative legislator ought ever to propose a change in the law is this, that the law, as it stands, has produced some evil. Is it then pretended that the law, as it stands, has produced any evil? The noble lord himself tells you that it has produced no evil whatever. Nor can it be said that the experiment has not been fairly tried. This House and the office of Master of the Rolls began to exist, probably in the same generation, certainly in the same century. During six hundred years this House has been open to Masters of the Rolls. Many Masters of the Rolls have sate here, and have taken part, with great ability and authority, in our deliberations. To go no further •

back than the accession of the House of Hanover, Jekyll was a member of this House, and Strange, and Kenyon, and Pepper Arden, and Sir William Grant, and Sir John Copley, and Sir Charles Pepys, and finally Sir John Romilly. It is not even pretended that any one of these eminent persons was ever, on any single occasion, found to be the worse member of this House for being Master of the Rolls, or the worse Master of the Rolls for being a member of this House. And if so, is it, I ask, the part of a wise statesman, is it, I ask still more emphatically, the part of a Conservative statesman, to alter a system which has lasted six centuries, and which has never once, during all those centuries, produced any but good effects, merely because it is not in harmony with an abstract principle?

And what is the abstract principle for the sake of which we are asked to innovate in reckless defiance of all the teaching of experience? It is this; that political functions ought to be kept distinct from judicial functions. So sacred, it seems, is this principle, that the union of the political and judicial characters ought not to be suffered to continue even in a case in which that union has lasted through many ages without producing the smallest practical inconvenience. 'Nothing is so hateful,' I quote the words of the noble lord who brought in this bill, 'nothing is so hateful as a political judge.'

Now, Sir, if I assent to the principle laid down by the noble lord, I must pronounce his bill the most imbecile, the most pitiful, attempt at reform that ever was made. The noble lord is a homœopathist in state medicine. His remedies are administered in infinitesimal doses. If he will, for a moment, consider how our tribunals are constituted, and how our parliament is constituted, he will perceive that the judicial and political character are, through all grades, everywhere combined, everywhere interwoven, and - that therefore the evil which he proposes to remove

vanishes, as the mathematicians say, when compared with the immense mass of evil which he leaves behind.

It has been asked, and very sensibly asked, why, if you exclude the Master of the Rolls from the House, you should not also exclude the Recorder of the City of London. I should be very sorry to see the Recorder of the City of London excluded. But I must say that the reasons for excluding him are ten times as strong as the reasons for excluding the Master of the Rolls. For it is well known that political cases of the highest importance have been tried by Recorders of the City of London. But why not exclude all Recorders, and all Chairmen of Quarter Sessions? I venture to say that there are far stronger reasons for excluding a Chairman of Quarter Sessions than for excluding a Master of the Rolls. I long ago attended, during two or three years, the Quarter Sessions of a great county. There I constantly saw in the chair an eminent member of this House.¹ An excellent criminal judge he was. Had he been a veteran lawyer, he could hardly have tried causes more satisfactorily or more expeditiously. But he was a keen politician: he had made a motion which had turned out a Government; and when he died he was a Cabinet Minister. Yet this gentleman, the head of the Blue interest, as it was called, in his county, might have had to try men of the Orange party for rioting at a contested election. He voted for the corn laws; and he might have had to try men for breaches of the peace which had originated in the discontent caused by the corn laws. He was, as I well remember, hooted, and, I rather think, pelted too, by the mob of London for his conduct towards Queen Caroline; and, when he went down to his county, he might

¹ [Stuart Wortley-Mackenzie, Lord Wharncliffe: the motion 'for an efficient administration' was carried in 1812 and led to the formation of the Liverpool administration. He was Lord President in Peel's government, 1841, and died in office 1845.] •

have had to sit in judgment on people for breaking windows which had not been illuminated in honor of Her Majesty's victory. This is not a solitary instance. There are, I dare say, in this House, fifty Chairmen of Quarter Sessions. And this is an union of judicial and political functions against which there is really much to be said. For it is important, not only that the administration of justice should be pure, but that it should be unsuspected. Now I am willing to believe that the administration of justice by the unpaid magistrates in political cases is pure: but unsuspected it certainly is not. It is notorious that, in times of political excitement, the cry of the whole democratic press always is that a poor man, who has been driven by distress to outrage, has far harder measure at the Quarter Sessions than at the Assizes. So loud was this cry in 1819 that Mr. Canning, in one of his most eloquent speeches, pronounced it the most alarming of all the signs of the times. See then how extravagantly, how ludicrously inconsistent your legislation is. You lay down the principle that the union of political functions and judicial functions is a hateful abuse. That abuse you determine to remove. You accordingly leave in this House a crowd of judges who, in troubled times, have to try persons charged with political offences; of judges who have often been accused, truly or falsely, of carrying to the judgment seat their political sympathies and antipathies: and you shut out of the House a single judge, whose duties are of such a nature that it has never once, since the time of Edward the First, been even suspected that he or any of his predecessors has, in the administration of justice, favoured a political ally, or wronged a political opponent.

But even if I were to admit, what I altogether deny, that there is something in the functions of the Master of the Rolls which makes it peculiarly desirable that he should not take any part in politics, I should still vote

against this bill, as most inconsistent and inefficient. If you think that he ought to be excluded from political assemblies, why do not you exclude him? You do no such thing. You exclude him from the House of Commons; but you leave the House of Lords open to him. Is not the House of Lords a political assembly? And is it not certain that, during several generations, judges have generally had a great ascendancy in the House of Lords? A hundred years ago a great judge, Lord Hardwicke, possessed an immense influence there. He bequeathed his power to another great judge, Lord Mansfield. When age had impaired the vigour of Lord Mansfield, the authority which he had, during many years, enjoyed, passed to a third judge, Lord Thurlow. Everybody knows what a dominion that eminent judge, Lord Eldon, exercised over the peers, what a share he took in making and unmaking ministries, with what idolatrous veneration he was regarded by one great party in the State, with what dread and aversion he was regarded by the other. When the long reign of Lord Eldon had terminated, other judges, Whig and Tory, appeared at the head of contending factions. Some of us can well remember the first ten days of October, 1831. Who, indeed, that lived through those days can ever forget them? It was the most exciting, the most alarming political conjuncture of my time. On the morning of the eighth of October the Reform Bill, after a discussion which had lasted through many nights, was rejected by the Lords. God forbid that I should again see such a crisis! I can never hope again to hear such a debate. It was indeed a splendid display of various talents and acquirements. There are, I dare say, some here who, like myself, watched through the last night of that conflict till the late autumnal dawn, sometimes walking up and down the long gallery, sometimes squeezing ourselves in behind the throne, or below the bar, to catch the eloquence of the great orators who, on •

that great occasion, surpassed themselves. There I saw, in the foremost ranks, confronting each other, two judges, on one side Lord Brougham, Chancellor of the realm, on the other Lord Lyndhurst, Chief Baron of the Exchequer. How eagerly we hung on their words! How eagerly those words were read before noon by hundreds of thousands in the capital, and, within forty-eight hours, by millions in every part of the kingdom! With what a burst of popular fury the decision of the House was received by the nation! The ruins of Nottingham Castle, the ruins of whole streets and squares at Bristol, proved but too well to what a point the public feeling had been wound up. If it be true that nothing is so hateful to the noble lord, the Member for Kent, as a judge who takes part in political contentions, why does he not bring in a bill to prevent judges from entering those lists in which Lord Brougham and Lord Lyndhurst then encountered each other? But no: the noble lord is perfectly willing to leave those lists open to the Master of the Rolls. The noble lord's objection is not to the union of the judicial character and the political character. He is quite willing that anywhere but here judges should be politicians. The Master of the Rolls may be the soul of a great party, the head of a great party, the favourite tribune of a stormy democracy, the chief spokesman of a haughty aristocracy. He may do all that declamation and sophistry can do to inflame the passions or mislead the judgment of a senate. But it must not be in this room. He must go a hundred and fifty yards hence. He must sit on a red bench, and not on a green one. He must say, 'My Lords,' and not 'Mr. Speaker.' He must say, 'Content,' and not 'Aye.' And then he may, without at all shocking the noble lord, be the most stirring politician in the kingdom.

But I am understating my case. I am greatly understating it. For, Sir, this union of the judicial character and the political character, in Members of

the other House of Parliament, is not a merely accidental union. Not only may judges be made peers; but all the peers are necessarily judges. Surely when the noble lord told us that the union of political functions and of judicial functions was the most hateful of all things, he must have forgotten that, by the fundamental laws of the realm, a political assembly is the supreme court of appeal, the court which finally confirms or annuls the judgments of the courts, both of common law and of equity, at Westminster, of the courts of Scotland, of the courts of Ireland, of this very Master of the Rolls about whom we are debating. Surely, if the noble lord's principle be a sound one, it is not with the Master of the Rolls, but with the House of Peers, that we ought to begin. For, beyond all dispute, it is more important that the court above should be constituted on sound principles than that the court below should be so constituted. If the Master of the Rolls goes wrong, the House of Peers may correct his errors. But who is to correct the errors of the House of Peers? All these considerations the noble lord overlooks. He is quite willing that the peers shall sit in the morning as judges, shall determine questions affecting the property, the liberty, the character of the Queen's subjects, shall determine those questions in the last resort, shall overrule the decisions of all the other tribunals in the country; and that then, in the afternoon, these same noble persons shall meet as politicians, and shall debate, sometimes rather sharply, sometimes in a style which we dare not imitate for fear that you, Sir, should call us to order, about the Canadian Clergy Reserves, the Irish National Schools, the Disabilities of the Jews, the Government of India. I do not blame the noble lord for not attempting to alter this state of things. We cannot alter it, I know, without taking up the foundations of our constitution. But is it not absurd, while we live under such a constitution, while, throughout our whole system •

from top to bottom, political functions and judicial functions are combined, to single out, not on any special ground, but merely at random, one judge from a crowd of judges, and to exclude him, not from all political assemblies, but merely from one political assembly? Was there ever such a mummary as the carrying of this bill to the other House will be, if, unfortunately, it should be carried thither. The noble lord, himself, I have no doubt, a magistrate, himself at once a judge and a politician, accompanied by several gentlemen who are at once judges and politicians, will go to the bar of the Lords, who are all at once judges and politicians, will deliver the bill into the hands of the Chancellor, who is at once the chief judge of the realm and a Cabinet Minister, and will return hither proud of having purified the administration of justice from the taint of politics.

No, Sir, no; for the purpose of purifying the administration of justice this bill is utterly impotent. It will be effectual for one purpose, and for one purpose only, for the purpose of weakening and degrading the House of Commons. This is not the first time that an attempt has been made, under specious pretexts, to lower the character and impair the efficiency of the assembly which represents the great body of the nation. More than a hundred and fifty years ago there was a general cry that the number of placemen in Parliament was too great. No doubt, Sir, the number was too great: the evil required a remedy: but some rash and shortsighted, though probably well meaning, men, proposed a remedy which would have produced far more evil than it would have removed. They inserted in the Act of Settlement a clause providing that no person who held any office under the Crown should sit in this House. The clause was not to take effect till the House of Hanover should come to the throne; and, happily for the country, before the House of Hanover came to the throne, the clause was repealed.

Had it not been repealed, the Act of Settlement would have been, not a blessing, but a curse to the country. There was no want, indeed, of plausible and popular commonplaces in favour of this clause. No man, it was said, can serve two masters. A courtier cannot be a good guardian of public liberty. A man who derives his subsistence from the taxes cannot be trusted to check the public expenditure. You will never have purity, you will never have economy, till the stewards of the nation are independent of the Crown, and dependent only on their constituents. Yes; all this sounded well: but what man of sense now doubts that the effect of a law excluding all official men from this House would have been to depress that branch of the legislature which springs from the people, and to increase the power and consideration of the hereditary aristocracy? The whole administration would have been in the hands of peers. The chief object of every eminent Commoner would have been to obtain a peerage. As soon as any man had gained such distinction hereby his eloquence and knowledge that he was selected to fill the post of Chancellor of the Exchequer, Secretary of State, or First Lord of the Admiralty, he would instantly have turned his back on what would then indeed have been emphatically the Lower House, and would have gone to that chamber in which alone it would have been possible for him fully to display his abilities and fully to gratify his ambition. Walpole and Pulteney, the first Pitt and the second Pitt, Fox, Windham, Canning, Peel, all the men whose memory is inseparably associated with this House, all the men of whose names we think with pride as we pass through St. Stephen's Hall, the place of their contentions and their triumphs, would, in the vigour and prime of life, have become Barons and Viscounts. The great conflict of parties would have been transferred from the Commons to the Lords. It would have been impossible for an assembly, in which not

a single statesman of great fame, authority, and experience in important affairs would have been found, to hold its own against an assembly in which all our eminent politicians and orators would have been collected. All England, all Europe, would have been reading with breathless interest the debates of the peers, and looking with anxiety for the divisions of the peers, while we, instead of discussing high questions of state, and giving a general direction to the whole domestic and foreign policy of the realm, should have been settling the details of canal bills and turnpike bills.

The noble lord, the Member for Kent, does not, it is true, propose so extensive and important a change as that which the authors of the Act of Settlement wished to make. But the tendency of this bill is, beyond all doubt, to make this House less capable than it once was, and less capable than the other House now is, of discharging some of the most important duties of a legislative assembly.

Of the duties of a legislative assembly, the noble lord, and some of those gentlemen who support his bill, seem to me to have formed a very imperfect notion. They argue as if the only business of the House of Commons was to turn one set of men out of place, and to bring another set into place; as if a judge could find no employment here but factious wrangling. Sir, it is not so. There are extensive and peaceful provinces of parliamentary business far removed from the fields of battle where hostile parties encounter each other. A great jurist, seated among us, might, without taking any prominent part in the strife between the Ministry and the Opposition, render to his country most valuable service, and earn for himself an imperishable name. Nor was there ever a time when the assistance of such a jurist was more needed, or was more likely to be justly appreciated, than at present. No observant man can fail to perceive that there is in the public mind a

general, a growing, an earnest, and at the same time, I must say, a most sober and reasonable desire for extensive law reform. I hope and believe that, for some time to come, no year will pass without progress in law reform; and I hold that, of all law reformers, the best is a learned, upright, and large-minded judge. At such a time it is that we are called upon to shut the door of this House against the last great judicial functionary, to whom the unwise legislation of former parliaments has left it open. In the mean time, the other House is open to him. It is open to all the other judges who are not suffered to sit here. It is open to the Judge of the Admiralty Court, whom the noble lord, twelve or thirteen years ago, prevailed on us, in an unlucky hour, to exclude. In the other House is the Lord Chancellor, and several retired Chancellors, a Lord Chief Justice, and several retired Chief Justices. The Queen may place there to-morrow the Chief Baron, the two Lords Justices, the three Vice Chancellors, the very Master of the Rolls about whom we are debating: and we, as if we were not already too weak for the discharge of our functions, are trying to weaken ourselves still more. I harbour no unfriendly feeling towards the Lords. I anticipate no conflict with them. But it is not fit that we should be unable to bear an equal part with them in the great work of improving and digesting the law. It is not fit that we should be under the necessity of placing implicit confidence in their superior wisdom, and of registering, without amendment, any bill which they may send us. To that humiliating situation we are, I grieve to say, fast approaching. I was much struck by a circumstance which occurred a few days ago. I heard the honorable Member for Montrose,¹ who, by the bye, is one of the supporters of this bill, urge the House to pass the Combination Bill, for a most extraordinary reason. 'We really,' he said, 'cannot

¹ [Joseph Hume.]

tell how the law about combinations of workmen at present stands; and, not knowing how the law at present stands, we are quite incompetent to decide whether it ought to be altered. Let us send the bill up to the Lords. They understand these things. We do not. There are Chancellors, and ex-Chancellors, and Judges among them. No doubt they will do what is proper; and I shall acquiesce in their decision.' Why, Sir, did ever any legislative assembly abdicate its functions in so humiliating a manner? Is it not strange that a gentleman, distinguished by his love of popular institutions, and by the jealousy with which he regards the aristocracy, should gravely propose that, on a subject which interests and excites hundreds of thousands of our constituents, we should declare ourselves incompetent to form an opinion, and beg the Lords to tell us what we ought to do? And is it not stranger still that, while he admits the incompetence of the House to discharge some of its most important functions, and while he attributes that incompetence to the want of judicial assistance, he should yet wish to shut out of the House the only high judicial functionary who is now permitted to come into it?

But, says the honorable Member for Montrose, the Master of the Rolls has duties to perform which, if properly performed, will leave him no leisure for attendance in this House: it is important that there should be a division of labour: no man can do two things well; and, if we suffer a judge to be a member of Parliament, we shall have both a bad member of Parliament and a bad judge.

Now, Sir, if this argument proves anything, it proves that the Master of the Rolls, and indeed all the other judges, ought to be excluded from the House of Lords as well as from the House of Commons. But I deny that the argument is of any weight. The division of labour has its disadvantages as well as its advantages. In operations merely mechanical

you can hardly carry the subdivision too far : but you may very easily carry it too far in operations which require the exercise of high intellectual powers. It is quite true, as Adam Smith tells us, that a pin will be best made when one man does nothing but cut the wire, when another does nothing but mould the head, when a third does nothing but sharpen the point. But it is not true that Michael Angelo would have been a greater painter if he had not been a sculptor : it is not true that Newton would have been a greater experimental philosopher if he had not been a geometrician ; and it is not true that a man will be a worse lawgiver because he is a great judge. I believe that there is as close a connection between the functions of the judge and the functions of the lawgiver as between anatomy and surgery. Would it not be the height of absurdity to lay down the rule that nobody who dissected the dead should be allowed to operate on the living ? The effect of such a division of labour would be that you would have nothing but bungling surgery ; and the effect of the division of labour which the honorable Member for Montrose recommends will be that we shall have plenty of bungling legislation. Who can be so well qualified to make laws and to mend laws as a man whose business is to interpret laws and to administer laws ? As to this point I have great pleasure in citing an authority to which the honorable Member for Montrose will, I know, be disposed to pay the greatest deference ; the authority of Mr. Bentham. Of Mr. Bentham's moral and political speculations, I entertain, I must own, a very mean opinion : but I hold him in high esteem as a jurist. Among all his writings, there is none which I value more than the treatise on Judicial Organization. In that excellent work he discusses the question whether a person who holds a judicial office ought to be permitted to hold with it any other office. Mr. Bentham argues strongly and convincingly against pluralities : but

he admits that there is one exception to the general rule. A judge, he says, ought to be allowed to sit in the legislature as a representative of the people: for the best school for a legislator is the judicial bench; and the supply of legislative skill is in all societies so scanty that none of it can be spared.

My honorable friend, the Member for Surrey, has completely refuted another argument to which the noble lord, the Member for Kent, appears to attach considerable importance. The noble lord conceives that no person can enter this House without stooping to practise arts which would ill become the gravity of the judicial character. He spoke particularly of what he called the jollifications usual at elections. Undoubtedly the festivities at elections are sometimes disgraced by intemperance, and sometimes by buffoonery; and I wish from the bottom of my heart that intemperance and buffoonery were the worst means to which men, reputed upright and honorable in private life, have resorted in order to obtain seats in the legislature. I should, indeed, be sorry if any Master of the Rolls should court the favour of the populace by playing the mountebank on the hustings or on tavern tables. Still more sorry should I be if any Master of the Rolls were to disgrace himself and his office by employing the ministry of the Frails and the Flewkers, by sending vile emissaries with false names, false addresses, and bags of sovereigns, to buy the votes of the poor. No doubt a Master of the Rolls ought to be free, not only from guilt, but from suspicion. I have not hitherto mentioned the present Master of the Rolls. I have not mentioned him because, in my opinion, this question ought to be decided by general and not by personal considerations. I cannot, however, refrain from saying, with a confidence which springs from long and intimate acquaintance, that my valued friend, Sir John Romilly, will never again sit in this House unless he can come in by means very different from

those by which he was turned out. But, Sir, are we prepared to say that no person can become a representative of the English people except by some sacrifice of integrity, or at least of personal dignity? If it be so, we had indeed better think of setting our House in order. If it be so, the prospects of our country are dark indeed. How can England retain her place among the nations, if the assembly to which all her dearest interests are confided, the assembly which can, by a single vote, transfer the management of her affairs to new hands, and give a new direction to her whole policy, foreign and domestic, financial, commercial, and colonial, is closed against every man who has rigid principles and a fine sense of decorum? But it is not so. Did that great judge, Sir William Scott, lower his character by entering this House as Member for the University of Oxford? Did Sir John Copley lower his character by entering this House as Member for the University of Cambridge? But the universities, you say, are constituent bodies of a very peculiar kind. Be it so. Then, by your own admission, there are a few seats in this House which eminent judges have filled and may fill without any unseemly condescension. But it would be most unjust, and in me, especially, most ungrateful, to compliment the universities at the expense of other constituent bodies. I am one of many members who know by experience that a generosity and a delicacy of sentiment which would do honor to any seat of learning may be found among the ten pound householders of our great cities. And, Sir, as to the counties, need we look further than to your chair? It is of as much importance that you should punctiliously preserve your dignity as that the Master of the Rolls should punctiliously preserve his dignity. If you had, at the last election, done anything inconsistent with the integrity, with the gravity, with the suavity of temper which so eminently qualify you to preside over

our deliberations, your public usefulness would have been seriously diminished. But the great county which does itself honor by sending you to the House required from you nothing unbecoming your character, and would have felt itself degraded by your degradation. And what reason is there to doubt that other constituent bodies would act as justly and considerately towards a judge distinguished by uprightness and ability as Hampshire has acted towards you?

One very futile argument only remains to be noticed. It is said that we ought to be consistent; and that, having turned the Judge of the Admiralty out of the House, we ought to send the Master of the Rolls after him. I admit, Sir, that our system is at present very anomalous. But it is better that a system should be anomalous than that it should be uniformly and consistently bad. You have entered on a wrong course. My advice is first that you stop, and secondly that you retrace your steps. The time is not far distant when it will be necessary for us to revise the constitution of this House. On that occasion, it will be part of our duty to reconsider the rule which determines what public functionaries shall be admitted to sit here, and what public functionaries shall be excluded. That rule is, I must say, singularly absurd. It is this, that no person who holds any office created since the twenty-fifth of October, 1705, shall be a member of the House of Commons. Nothing can be more unreasonable or more inconvenient. In 1705, there were two Secretaries of State and two Under Secretaries. Consequently, to this day, only two Secretaries of State and two Under Secretaries can sit among us. Suppose that the Home Secretary and the Colonial Secretary are members of this House, and that the office of Foreign Secretary becomes vacant. In that case, no member of this House, whatever may be his qualifications, his fame in diplomacy, his knowledge of

all the politics of the Courts of Europe, can be appointed. Her Majesty must give the Admiralty to the commoner who is, of all her subjects, fittest for the Foreign Office, and the seals of the Foreign Office to some peer who would perhaps be fitter for the Admiralty. Again, the Postmaster General cannot sit in this House. Yet, why not? He always comes in and goes out with the Government: he is often a member of the Cabinet; and I believe that he is, of all public functionaries, the Chancellor of the Exchequer alone excepted, the one whom it would be most convenient to have here. I earnestly hope that, before long, this whole subject will be taken into serious consideration. As to the judges, the rule which I should wish to see laid down is very simple. I would admit into this House any judge whom the people might elect, unless there were some special reason against admitting him. There is a special reason against admitting any Irish or Scotch judge. Such a judge cannot attend this House without ceasing to attend his court. There is a special reason against admitting the Judges of the Queen's Bench and of the Common Pleas, and the Barons of the Exchequer. They are summoned to the House of Lords; and they sit there: their assistance is absolutely necessary to enable that House to discharge its functions as the highest court of appeal; and it would manifestly be both inconvenient and derogatory to our dignity that members of our body should be at the beck and call of the peers. I see no special reason for excluding the Master of the Rolls; and I would, therefore, leave our door open to him. I would open it to the Judge of the Admiralty, who has been most unwisely excluded. I would open it to other great judicial officers who are now excluded solely because their offices did not exist in 1705, particularly to the two Lords Justices, and the three Vice Chancellors. In this way, we should, I am convinced, greatly facilitate the important and arduous

work of law reform; we should raise the character of this House: and I need not say that with the character of this House must rise or fall the estimation in which representative institutions are held throughout the world. But, whether the extensive changes which I have recommended shall be thought desirable or not, I trust that we shall reject the bill of the noble lord. I address myself to the Conservative members on your left hand; and I ask them whether they are prepared to alter, on grounds purely theoretical, a system which has lasted during twenty generations without producing the smallest practical evil. I turn to the Liberal members on this side; and I ask them whether they are prepared to lower the reputation and to impair the efficiency of that branch of the legislature which springs from the people. For myself, Sir, I hope that I am at once a Liberal and a Conservative politician; and, in both characters, I shall give a clear and conscientious vote in favour of the amendment moved by my honorable friend.

Minute of the 2nd of February, 1835 .

As it seems to be the opinion of some of the gentlemen who compose the Committee of Public Instruction, that the course which they have hitherto pursued was strictly prescribed by the British Parliament in 1813, and as, if that opinion be correct, a legislative act will be necessary to warrant a change, I have thought it right to refrain from taking any part in the preparation of the adverse statements which are now before us, and to reserve what I had to say on the subject till it should come before me as a member of the Council of India.

It does not appear to me that the Act of Parliament can, by any art of construction, be made to bear the meaning which has been assigned to it. It contains nothing about the particular languages or sciences which are to be studied. A sum is set apart 'for the revival and promotion of literature and the encouragement of the learned natives of India, and for the introduction and promotion of a knowledge of the sciences among the inhabitants of the British territories.' It is argued, or rather taken for granted, that by literature, the Parliament can have meant only Arabic and Sanscrit literature, that they never would have given the honorable appellation of 'a learned native' to a native who was familiar with the poetry of Milton, the Metaphysics of Locke, and the Physics of Newton; but that they meant to designate by that name only such persons as might have studied in the sacred books of the Hindoos all the uses of cusa-grass, and all the mysteries of absorption into the Deity. This does not appear to be a very satisfactory interpretation. To take a parallel case; suppose that the Pacha of Egypt, a country once superior in knowledge to the nations of Europe, but now sunk far below them, were to appropriate a sum

for the purpose of 'reviving and promoting literature, and encouraging learned natives of Egypt,' would anybody infer that he meant the youth of his pachalic to give years to the study of hieroglyphics, to search into all the doctrines disguised under the fable of Osiris, and to ascertain with all possible accuracy the ritual with which cats and onions were anciently adored? Would he be justly charged with inconsistency, if, instead of employing his young subjects in deciphering obelisks, he were to order them to be instructed in the English and French languages, and in all the sciences to which those languages are the chief keys?

The words on which the supporters of the old system rely do not bear them out, and other words follow which seem to be quite decisive on the other side. This lac of rupees is set apart, not only for 'reviving literature in India,' the phrase on which their whole interpretation is founded, but also for 'the introduction and promotion of a knowledge of the sciences among the inhabitants of the British territories,'—words which are alone sufficient to authorise all the changes for which I contend.

If the Council agree in my construction, no legislative act will be necessary. If they differ from me, I will prepare a short Act rescinding that clause of the Charter of 1813, from which the difficulty arises.

The argument which I have been considering, affects only the form of proceeding. But the admirers of the Oriental system of education have used another argument, which, if we admit it to be valid, is decisive against all change. They conceive that the public faith is pledged to the present system, and that to alter the appropriation of any of the funds which have hitherto been spent in encouraging the study of Arabic and Sanscrit, would be down-right spoliation. It is not easy to understand by what process of reasoning they can have arrived at this conclusion. The grants which are made from the

public purse for the encouragement of literature differed in no respect from the grants which are made from the same purse for other objects of real or supposed utility. We found a sanatorium on a spot which we suppose to be healthy. Do we thereby pledge ourselves to keep a sanatorium there, if the result should not answer our expectation? We commence the erection of a pier. Is it a violation of the public faith to stop the works, if we afterwards see reason to believe that the building will be useless? The rights of property are undoubtedly sacred. But nothing endangers those rights so much as the practice, now unhappily too common, of attributing them to things to which they do not belong. Those who would impart to abuses the sanctity of property are in truth imparting to the institution of property the unpopularity and the fragility of abuses. If the Government has given to any person a formal assurance; nay, if the Government has excited in any person's mind a reasonable expectation that he shall receive a certain income as a teacher or a learner of Sanscrit or Arabic, I would respect that person's pecuniary interests—I would rather err on the side of liberality to individuals than suffer the public faith to be called in question. But to talk of a Government pledging itself to teach certain languages and certain sciences, though those languages may become useless, though those sciences may be exploded, seems to me quite unmeaning. There is not a single word in any public instructions, from which it can be inferred that the Indian Government ever intended to give any pledge on this subject, or ever considered the destination of these funds as unalterably fixed. But had it been otherwise, I should have denied the competence of our predecessors to bind us by any pledge on such a subject. Suppose that a Government had in the last century enacted in the most solemn manner that all its subjects should, to the end of time, be inoculated for the small-pox:

would that Government be bound to persist in the practice after Jenner's discovery? These promises, of which nobody claims the performance, and from which nobody can grant a release; these vested rights, which vest in nobody; this property without proprietors; this robbery, which makes nobody poorer, may be comprehended by persons of higher faculties than mine.—I consider this plea merely as a set form of words, regularly used both in England and in India, in defence of every abuse for which no other plea can be set up.

I hold this lac of rupees to be quite at the disposal of the Governor-General in Council, for the purpose of promoting learning in India, in any way which may be thought most advisable. I hold his Lordship to be quite as free to direct that it shall no longer be employed in encouraging Arabic and Sanscrit, as he is to direct that the reward for killing tigers in Mysore shall be diminished, or that no more public money shall be expended on the chanting at the cathedral.

We now come to the gist of the matter. We have a fund to be employed as Government shall direct for the intellectual improvement of the people of this country. The simple question is, what is the most useful way of employing it?

All parties seem to be agreed on one point, that the dialects commonly spoken among the natives of this part of India, contain neither literary nor scientific information, and are, moreover, so poor and rude that, until they are enriched from some other quarter, it will not be easy to translate any valuable work into them. It seems to be admitted on all sides, that the intellectual improvement of those classes of the people who have the means of pursuing higher studies can at present be effected only by means of some language not vernacular amongst them.

What then shall that language be? One-half of the Committee maintain that it should be the English. The other half strongly recommend the Arabic and

Sanscrit. The whole question seems to me to be, which language is the best worth knowing?

I have no knowledge of either Sanscrit or Arabic. —But I have done what I could to form a correct estimate of their value. I have read translations of the most celebrated Arabic and Sanscrit works. I have conversed both here and at home with men distinguished by their proficiency in the Eastern tongues. I am quite ready to take the Oriental learning at the valuation of the Orientalists themselves. I have never found one among them who could deny that a single shelf of a good European library was worth the whole native literature of India and Arabia. The intrinsic superiority of the Western literature is, indeed, fully admitted by those members of the Committee who support the Oriental plan of education.

It will hardly be disputed, I suppose, that the department of literature in which the eastern writers stand highest is poetry. And I certainly never met with any Orientalist who ventured to maintain that the Arabic and Sanscrit poetry could be compared to that of the great European nations. But when we pass from works of imagination to works in which facts are recorded, and general principles investigated, the superiority of the Europeans becomes absolutely immeasurable. It is, I believe, no exaggeration to say, that all the historical information which has been collected from all the books written in the Sanscrit language is less valuable than what may be found in the most paltry abridgments used at preparatory schools in England. In every branch of physical or moral philosophy, the relative position of the two nations is nearly the same.

How, then, stands the case? We have to educate a people who cannot at present be educated by means of their mother-tongue. We must teach them some foreign language. The claims of our own language it is hardly necessary to recapitulate. It stands pre-eminent even among the languages of the west. It

abounds with works of imagination not inferior to the noblest which Greece has bequeathed to us; with models of every species of eloquence; with historical compositions, which, considered merely as narratives, have seldom been surpassed, and which, considered as vehicles of ethical and political instruction, have never been equalled; with just and lively representations of human life and human nature; with the most profound speculations on metaphysics, morals, government, jurisprudence, and trade; with full and correct information respecting every experimental science which tends to preserve the health, to increase the comfort, or to expand the intellect of man. Whoever knows that language has ready access to all the vast intellectual wealth, which all the wisest nations of the earth have created and hoarded in the course of ninety generations. It may safely be said, that the literature now extant in that language is of far greater value than all the literature which three hundred years ago was extant in all the languages of the world together. Nor is this all. In India, English is the language spoken by the ruling class. It is spoken by the higher class of natives at the seats of Government. It is likely to become the language of commerce throughout the seas of the East. It is the language of two great European communities which are rising, the one in the south of Africa, the other in Australasia; communities which are every year becoming more important, and more closely connected with our Indian empire. Whether we look at the intrinsic value of our literature, or at the particular situation of this country, we shall see the strongest reason to think that, of all foreign tongues, the English tongue is that which would be the most useful to our native subjects.

The question now before us is simply whether, when it is in our power to teach this language, we shall teach languages in which, by universal confession, there are no books on any subject which

deserve to be compared to our own; whether, when we can teach European science, we shall teach systems which, by universal confession, whenever they differ from those of Europe, differ for the worse; and whether, when we can patronise sound Philosophy and true History, we shall countenance, at the public expense, medical doctrines, which would disgrace an English farrier,—Astronomy, which would move laughter in girls at an English boarding school,—History, abounding with kings thirty feet high, and reigns thirty thousand years long,—and Geography, made up of seas of treacle and seas of butter.

We are not without experience to guide us. History furnishes several analogous cases, and they all teach the same lesson. There are in modern times, to go no further, two memorable instances of a great impulse given to the mind of a whole society,—of prejudices overthrown,—of knowledge diffused,—of taste purified,—of arts and sciences planted in countries which had recently been ignorant and barbarous.

The first instance to which I refer, is the great revival of letters among the Western nations at the close of the fifteenth and the beginning of the sixteenth century. At that time almost every thing that was worth reading was contained in the writings of the ancient Greeks and Romans. Had our ancestors acted as the Committee of Public Instruction has hitherto acted; had they neglected the language of Cicero and Tacitus; had they confined their attention to the old dialects of our own island; had they printed nothing and taught nothing at the universities but Chronicles in Anglo-Saxon, and Romances in Norman-French, would England have been what she now is? What the Greek and Latin were to the contemporaries of More and Ascham, our tongue is to the people of India. The literature of England is now more valuable than that of classical antiquity. I doubt whether the Sanscrit literature be as valuable

as that of our Saxon and Norman progenitors. In some departments,—in History, for example, I am certain that it is much less so.

Another instance may be said to be still before our eyes. Within the last hundred and twenty years, a nation which had previously been in a state as barbarous as that in which our ancestors were before the crusades, has gradually emerged from the ignorance in which it was sunk, and has taken its place among civilised communities.—I speak of Russia. There is now in that country a large educated class, abounding with persons fit to serve the state in the highest functions, and in no wise inferior to the most accomplished men who adorn the best circles of Paris and London. There is reason to hope that this vast empire, which in the time of our grandfathers was probably behind the Punjab, may, in the time of our grandchildren, be pressing close on France and Britain in the career of improvement. And how was this change effected? Not by flattering national prejudices: not by feeding the mind of the young Muscovite with the old women's stories which his rude fathers had believed: not by filling his head with lying legends about St. Nicholas: not by encouraging him to study the great question, whether the world was or was not created on the 13th of September: not by calling him 'a learned native,' when he has mastered all these points of knowledge: but by teaching him those foreign languages in which the greatest mass of information had been laid up, and thus putting all that information within his reach. The languages of Western Europe civilised Russia. I cannot doubt that they will do for the Hindoo what they have done for the Tartar.

And what are the arguments against that course which seems to be alike recommended by theory and by experience? It is said that we ought to secure the co-operation of the native public, and that we can do this only by teaching Sanscrit and Arabic.

I can by no means admit that when a nation of high intellectual attainments undertakes to superintend the education of a nation comparatively ignorant, the learners are absolutely to prescribe the course which is to be taken by the teachers. It is not necessary, however, to say any thing on this subject. For it is proved by unanswerable evidence that we are not at present securing the co-operation of the natives. It would be bad enough to consult their intellectual taste at the expense of their intellectual health. But we are consulting neither,—we are withholding from them the learning for which they are craving, we are forcing on them the mock-learning which they nauseate.

This is proved by the fact that we are forced to pay our Arabic and Sanscrit students, while those who learn English are willing to pay us. All the declamations in the world about the love and reverence of the natives for their sacred dialects will never, in the mind of any impartial person, outweigh the undisputed fact, that we cannot find, in all our vast empire, a single student who will let us teach him those dialects unless we will pay him.

I have now before me the accounts of the Madrassa for one month,—the month of December, 1833. The Arabic students appear to have been seventy-seven in number. All receive stipends from the public. The whole amount paid to them is above 500 rupees a month. On the other side of the account stands the following item: Deduct amount realized from the out-students of English for the months of May, June and July last, 103 rupees.

I have been told that it is merely from want of local experience that I am surprised at these phenomena, and that it is not the fashion for students in India to study at their own charges. This only confirms me in my opinion. Nothing is more certain than that it never can in any part of the world be necessary to pay men for doing what they think

pleasant and profitable. India is no exception to this rule. The people of India do not require to be paid for eating rice when they are hungry, or for wearing woollen cloth in the cold season. To come nearer to the case before us, the children who learn their letters and a little elementary Arithmetic from the village school-master are not paid by him. He is paid for teaching them. Why then is it necessary to pay people to learn Sanscrit and Arabic? Evidently because it is universally felt that the Sanscrit and Arabic are languages, the knowledge of which does not compensate for the trouble of acquiring them. On all such subjects the state of the market is the decisive test.

Other evidence is not wanting, if other evidence were required. A petition was presented last year to the Committee by several ex-students of the Sanscrit College. The petitioners stated that they had studied in the college ten or twelve years; that they had made themselves acquainted with Hindoo literature and science; that they had received certificates of proficiency: and what is the fruit of all this! 'Notwithstanding such testimonials,' they say, 'we have but little prospect of bettering our condition without the kind assistance of your Honorable Committee, the indifference with which we are generally looked upon by our countrymen leaving no hope of encouragement and assistance from them.' They therefore beg that they may be recommended to the Governor General for places under the Government, not places of high dignity or emolument, but such as may just enable them to exist. 'We want means,' they say, 'for a decent living, and for our progressive improvement, which, however, we cannot obtain without the assistance of Government, by whom we have been educated and maintained from childhood.' They conclude by representing, very pathetically, that they are sure that it was never the intention of Government, after behaving so liberally to them

during their education, to abandon them to destitution and neglect.

I have been used to see petitions to Government for compensation. All these petitions, even the most unreasonable of them, proceeded on the supposition that some loss had been sustained—that some wrong had been inflicted. These are surely the first petitioners who ever demanded compensation for having been educated gratis,—for having been supported by the public during twelve years, and then sent forth into the world well furnished with literature and science. They represent their education as an injury which gives them a claim on the Government for redress, as an injury for which the stipends paid to them during the infliction were a very inadequate compensation. And I doubt not that they are in the right. They have wasted the best years of life in learning what procures for them neither bread nor respect. Surely we might, with advantage, have saved the cost of making these persons useless and miserable; surely, men may be brought up to be burdens to the public and objects of contempt to their neighbours at a somewhat smaller charge to the state. But such is our policy. We do not even stand neuter in the contest between truth and falsehood. We are not content to leave the natives to the influence of their own hereditary prejudices. To the natural difficulties which obstruct the progress of sound science in the East, we add fresh difficulties of our own making. Bounties and premiums, such as ought not to be given even for the propagation of truth, we lavish on false taste and false philosophy.

By acting thus we create the very evil which we fear. We are making that opposition which we do not find. What we spend on the Arabic and Sanscrit colleges is not merely a dead loss to the cause of truth; it is bounty-money paid to raise up champions of error. It goes to form a nest, not merely of helpless place-hunters, but of bigots prompted alike by

passion and by interest to raise a cry against every useful scheme of education. If there should be any opposition among the natives to the change which I recommend, that opposition will be the effect of our own system. It will be headed by persons supported by our stipends and trained in our colleges. The longer we persevere in our present course, the more formidable will that opposition be. It will be every year reinforced by recruits whom we are paying. From the native society left to itself, we have no difficulties to apprehend; all the murmuring will come from that oriental interest which we have, by artificial means, called into being, and nursed into strength.

There is yet another fact, which is alone sufficient to prove that the feeling of the native public, when left to itself, is not such as the supporters of the old system represent it to be. The Committee have thought fit to lay out above a lac of rupees in printing Arabic and Sanscrit books. Those books find no purchasers. It is very rarely that a single copy is disposed of. Twenty-three thousand volumes, most of them folios and quartos, fill the libraries, or rather the lumber-rooms, of this body. The Committee contrive to get rid of some portion of their vast stock of oriental literature by giving books away. But they cannot give so fast as they print. About twenty thousand rupees a year are spent in adding fresh masses of waste paper to a hoard which, I should think, is already sufficiently ample. During the last three years, about sixty thousand rupees have been expended in this manner. The sale of Arabic and Sanscrit books, during those three years, has not yielded quite one thousand rupees. In the mean time the School-book Society is selling seven or eight thousand English volumes every year, and not only pays the expenses of printing, but realises a profit of 20 per cent. on its outlay.

The fact that the Hindoo law is to be learned

chiefly from Sanscrit books, and the Mahometan law from Arabic books, has been much insisted on, but seems not to bear at all on the question. We are commanded by Parliament to ascertain and digest the laws of India. The assistance of a law Commission has been given to us for that purpose. As soon as the code is promulgated, the Shasters and the Hedaya will be useless to a Moonsiff or Sudder Ameen. I hope and trust that before the boys who are now entering at the Madrassa and the Sanscrit college have completed their studies, this great work will be finished. It would be manifestly absurd to educate the rising generation with a view to a state of things which we mean to alter before they reach manhood.

But there is yet another argument which seems even more untenable. It is said that the Sanscrit and Arabic are the languages in which the sacred books of a hundred millions of people are written, and that they are, on that account, entitled to peculiar encouragement. Assuredly it is the duty of the British Government in India to be not only tolerant, but neutral on all religious questions. But to encourage the study of a literature admitted to be of small intrinsic value, only because that literature inculcates the most serious errors on the most important subjects, is a course hardly reconcileable with reason, with morality, or even with that very neutrality which ought, as we all agree, to be sacredly preserved. It is confessed that a language is barren of useful knowledge. We are to teach it because it is fruitful of monstrous superstitions. We are to teach false History, false Astronomy, false Medicine, because we find them in company with a false religion. We abstain, and I trust shall always abstain, from giving any public encouragement to those who are engaged in the work of converting natives to Christianity. And while we act thus, can we reasonably and decently bribe men out of the revenues of the

state to waste their youth in learning how they are to purify themselves after touching an ass, or what text of the Vedas they are to repeat to expiate the crime of killing a goat?

It is taken for granted by the advocates of Oriental learning, that no native of this country can possibly attain more than a mere smattering of English. They do not attempt to prove this; but they perpetually insinuate it. They designate the education which their opponents recommend as a mere spelling book education. They assume it as undeniable, that the question is between a profound knowledge of Hindoo and Arabian literature and science on the one side, and a superficial knowledge of the rudiments of English on the other. This is not merely an assumption, but an assumption contrary to all reason and experience. We know that foreigners of all nations do learn our language sufficiently to have access to all the most abstruse knowledge which it contains, sufficiently to relish even the more delicate graces of our most idiomatic writers. There are in this very town natives who are quite competent to discuss political or scientific questions with fluency and precision in the English language. I have heard the very question on which I am now writing discussed by native gentlemen with a liberality and an intelligence which would do credit to any member of the Committee of Public Instruction. Indeed it is unusual to find, even in the literary circles of the continent, any foreigner who can express himself in English with so much facility and correctness as we find in many Hindoos. Nobody, I suppose, will contend that English is so difficult to a Hindoo as Greek to an Englishman. Yet an intelligent English youth, in a much smaller number of years than our unfortunate pupils pass at the Sanscrit college, becomes able to read, to enjoy, and even to imitate, not unhappily, the compositions of the best Greek Authors. Less than half the time which enables an English youth

to read Herodotus and Sophocles, ought to enable a Hindoo to read Hume and Milton.

To sum up what I have said, I think it clear that we are not fettered by the Act of Parliament of 1813; that we are not fettered by any pledge expressed or implied; that we are free to employ our funds as we choose; that we ought to employ them in teaching what is best worth knowing; that English is better worth knowing than Sanscrit or Arabic; that the natives are desirous to be taught English, and are not desirous to be taught Sanscrit or Arabic; that neither as the languages of law, nor as the languages of religion, have the Sanscrit and Arabic any peculiar claim to our engagement; that it is possible to make natives of this country thoroughly good English scholars, and that to this end our efforts ought to be directed.

In one point I fully agree with the gentlemen to whose general views I am opposed. I feel with them, that it is impossible for us, with our limited means, to attempt to educate the body of the people. We must at present do our best to form a class who may be interpreters between us and the millions whom we govern; a class of persons, Indian in blood and colour, but English in taste, in opinions, in morals, and in intellect. To that class we may leave it to refine the vernacular dialects of the country, to enrich those dialects with terms of science borrowed from the Western nomenclature, and to render them by degrees fit vehicles for conveying knowledge to the great mass of the population.

I would strictly respect all existing interests. I would deal even generously with all individuals who have had fair reason to expect a pecuniary provision. But I would strike at the root of the bad system which has hitherto been fostered by us. I would at once stop the printing of Arabic and Sanscrit books, I would abolish the Madrassa and the Sanscrit college at Calcutta. Benares is the great seat of Brahmanical

learning; Delhi, of Arabic learning. If we retain the Sanscrit college at Benares and the Mahometan college at Delhi, we do enough, and much more than enough in my opinion, for the Eastern languages. If the Benares and Delhi colleges should be retained, I would at least recommend that no stipends shall be given to any students who may hereafter repair thither, but that the people shall be left to make their own choice between the rival systems of education without being bribed by us to learn what they have no desire to know. The funds which would thus be placed at our disposal would enable us to give larger encouragement to the Hindoo college at Calcutta, and to establish in the principal cities throughout the Presidencies of Fort William and Agra schools in which the English language might be well and thoroughly taught.

If the decision of his Lordship in Council should be such as I anticipate, I shall enter on the performance of my duties with the greatest zeal and alacrity. If, on the other hand, it be the opinion of the Government that the present system ought to remain unchanged, I beg that I may be permitted to retire from the chair of the Committee. I feel that I could not be of the smallest use there—I feel, also, that I should be lending my countenance to what I firmly believe to be a mere delusion. I believe that the present system tends, not to accelerate the progress of truth, but to delay the natural death of expiring errors. I conceive that we have at present no right to the respectable name of a Board of Public Instruction. We are a Board for wasting public money, for printing books which are of less value than the paper on which they are printed was while it was blank; for giving artificial encouragement to absurd history, absurd metaphysics, absurd physics, absurd theology; for raising up a breed of scholars who find their scholarship an encumbrance and a blemish, who live on the public while they are receiving their education,

and whose education is so utterly useless to them that when they have received it they must either starve or live on the public all the rest of their lives. Entertaining these opinions, I am naturally desirous to decline all share in the responsibility of a body, which, unless it alters its whole mode of proceeding, I must consider not merely as useless, but as positively noxious.